By Mr. JONAS of North Carolina: A bill (H. R. 13236) for the relief of Clarence Preston; to the Committee on Military Affairs.

By Mr. O'CONNOR of Oklahoma: A bill (H. R. 13237) to extend the benefits of the employees' compensation act of September 7, 1916, to Maude R. Crawford, widow of William M. Crawford, a former special disbursing officer with the Indian office at Pawhuska, Okla.; to the Committee on Claims.

By Mr. SEIBERLING: A bill (H. R. 13238) granting a pension to Balbina Lesniewski; to the Committee on Pensions.

By Mr. SHORT of Missouri: A bill (H. R. 13239) granting a pension to Mary Mitchell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13240) granting a pension to Louisa Hale; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13241) granting a pension to Annie L. Burnett; to the Committee on Invalid Pensions.

By Mr. SINCLAIR: A bill (H. R. 13242) granting an increase of pension to Foolish Bear; to the Committee on Pensions.

By Mr. SLOAN: A bill (H. R. 13243) granting a pension to Valdora V. Munson; to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 13244) granting a pension to Charles Thornton Newhall; to the Committee on Invalid Pensions.

By Mr. WURZBACH: A bill (H. R. 13245) for the relief of William T. Sansom; to the Committee on Military Affairs.

By Mr. ZIHLMAN: A bill (H. R. 13246) granting an increase of pension to Sarah E. McKenzie; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7667. By Mr. GRAHAM: Memorial of Philadelphia Board of Trade, opposing Senate bill 4357, to amend section 24 of the Judicial Code; to the Committee on the Judiciary.

7668. By Mr. McCORMACK of Massachusetts: Petition of the Department of Massachusetts, United Spanish War Veterans, John A. Buswell, department adjutant, 158 State House, Boston, Mass., adopted at its thirty-first annual encampment, held at Framingham, Mass., June 13–15, 1930, urging legislation for the immediate building up and development of the Naval Reserve of the United States as a second line of defense; to the Committee on Naval Affairs.

SENATE

MONDAY, *June 30, 1930*

Rev. James W. Morris, D. D., assistant rector Church of the Epiphany, city of Washington, offered the following prayer:

Almighty God and Heavenly Father, whose sovereign authority is over all Thy works, by whose merciful providence kings reign and rulers are established, we ascribe unto Thee greatness and power. We glorify Thee as the God of truth and inviolate righteousness, just and right in all Thy ways.

Enable us all, we pray Thee, governors as well as governed, to keep ever in mind that there can be no real freedom either for ourselves or for our Nation without filial submission to Thy beneficent will and only in humble service of Thy holy name.

We ask this through the mediation of Thy Son, to whom Thou hast given all authority in heaven and on earth. Amen.

THE JOURNAL

The Chief Clerk proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. FESS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendment of the Senate to each of the following bills:

S. 941. An act to amend the act entitled "An act to regulate interstate transportation of black bass, and for other purposes," approved May 20, 1926; and

H. R. 730. An act to amend section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended.

The message also announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to each of the following bills:

H. R. 6. An act to amend the definition of oleomargarine contained in the act entitled "An act defining butter; also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended; and

H. R. 4189. An act to add certain lands to the Boise National Forest.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 11144) to authorize the Secretary of the Treasury to extend, remodel, and enlarge the post-office building at Washington, D. C., and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ELLIOTT, Mr. TAYLOR of Tennessee, and Mr. LANHAM were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 12902) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WOOD, Mr. CRAMTON, Mr. WASON, Mr. TAYLOR of Colorado, and Mr. AYRES were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 8242) for the relief of George W. McPherson; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. IRWIN, Mr. FITZGERALD, and Mr. BOX were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 4176) for the relief of Dr. Charles W. Reed.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

H. R. 495. An act for the relief of Katherine Frances Lamb and Elinor Frances Lamb;

H. R. 528. An act for the relief of Clarence C. Cadell;

H. R. 650. An act for the payment of damages to certain citizens of California and other owners of property damaged by the flood, caused by reason of artificial obstructions to the natural flow of water being placed in the Picacho and No-name Washes by an agency of the United States;

H. R. 730. An act to amend section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended;

H. R. 794. An act for the relief of C. B. Smith;

H. R. 917. An act for the relief of John Panza and Rose Panza;

H. R. 919. An act for the relief of the father of Catharine Kearney;

H. R. 2170. An act for the relief of Clyde Cornish;

H. R. 2782. An act for the relief of Elizabeth B. Dayton;

H. R. 3889. An act for the relief of Albert A. Inman;

H. R. 3891. An act for the relief of Harry Martin;

H. R. 4161. An act for the relief of Isaac Fink;

H. R. 4564. An act for the relief of E. J. Kerlee; and

H. R. 8723. An act for the relief of Rachel Levy.

MINORITY VIEWS ON LONDON NAVAL TREATY (REPT. NO. 1080, PT. 2)

Mr. JOHNSON. Mr. President, I present the views of the minority of the Foreign Relations Committee upon the London naval treaty and ask that they may be printed as a Senate document and also printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The minority views are as follows:

[S. Rept. 1080, pt. 2, 71st Cong., 2d sess.]

LIMITATION AND REDUCTION OF NAVAL ARMAMENT

Mr. JOHNSON, from the Committee on Foreign Relations, submitted the following minority views (to accompany Executive I):

It is unfortunate that a discussion of the London treaty must deal with ships of war and comparative navies of different countries. The treaty, however, is one that is highly technical in character and which concerns in all their ramifications the fighting sea forces of Great Britain, Japan, and the United States. The treaty not only deals with the comparative naval strength of the three countries, but presumably with these nations' national defense, the protection of their commerce, and even the contingency of difficulties among them. In these aspects

the negotiations for the treaty were carried on, and, upon the lines which radiate from a contract relating to the navies of the three countries, presumably the three nations at London not only considered but discussed every possible contingency.

The minority of the Foreign Relations Committee, opposing the treaty, disclaim either militarism or jingoism, and insist that its few members have ever been and still are advocates of fair naval limitation and honest naval reduction. The minority, however, demand that no treaty in respect to the United States Navy shall be ratified by the Senate which is disadvantageous to our country; which precludes an adequate national defense; which affects injuriously the naval protection of our enormous and fast-expanding sea commerce; or which destructively deals with our relative position in respect to other nations. All these things the London treaty does, and because it does these things, and because it is neither fair nor just to the United States, we oppose it.

It is a noticeable and a remarkable fact that a treaty for which so much is claimed, opposition to which arouses such a pretense of indignation, is presented to the Senate without explanation or report. After the Washington conference of 1922 it was not considered beneath the dignity of the President to report in person to the Senate and the people his proceedings and what he deemed his accomplishment. The plenipotentiaries of the United States at that conference, Elihu Root, Charles Evans Hughes, Henry Cabot Lodge, and Oscar Underwood, not only conceived it to be their duty but it was their pleasure at length and in detail to file an elaborate explanation of what had transpired, and to print that explanation as a public document. Within the past few days, Canada's representative has filed with his Government and printed for the public an account of his stewardship at the recent London conference. But singularly enough, the London treaty is given to the Senate by the President with only the formal lines of transmission; no representatives of our country, save in their incomplete testimony before the committees of the Senate, have indulged in any recital of their activities; Members of the Senate, who were plenipotentiaries in the making and are now Senators in the ratification, aside from recent radio addresses, have not been heard in detail upon the pact, and finally the Foreign Relations Committee in reporting the treaty favorably does it without one word of comment, explanation, or elucidation.

The treaty comes upon the floor, therefore, the mere barren document executed at London, with the printed hearings, of course, that have been held, without detailed report or explanation, but with what, doubtless, in the opinion of its advocates, may be much more important, the mute votes of the majority members of the Foreign Relations Committee.

It is quite necessary, in order to have an adequate conception of what should have been done at London, to recall what has happened at previous conferences for naval limitation. Naval limitation was first really sought at the Washington conference of 1922. In the first enthusiasm for armament limitation and reduction it was assumed that real advancement was there made. Our Government by its words and its acts demonstrated its sincerity for limitation and reduction, and that from the Washington conference came neither was no fault of the United States.

We find in the report of the American delegation, headed by the then Secretary of State, Charles Evans Hughes, which was submitted to the President February 9, 1922, and printed as a public document (there is no similar report here) that at the opening of the Washington conference a definite American plan was submitted to the British Empire and Japan. The report proceeds (what a pity there is no such explanation to guide us respecting the London conference):

"The American plan therefore temporarily postponed the consideration of the navies of France and Italy and definitely proposed a program of limitation for the United States, British Empire, and Japan. The proposal was one of renunciation of building programs, of scrapping of existing ships, and of establishing an agreed ratio of naval strength. It was a proposal of sacrifices, and the American Government in making the proposal, at once stated the sacrifices which it was ready to make and upon the basis of which alone it asked commensurate sacrifices of others.

"The American plan rested upon the application of these four general principles:

"(1) That all capital-ship building programs, either actual or projected, should be abandoned;

"(2) That further reduction should be made through the scrapping of certain of the older ships;

"(3) That in general regard should be had to the existing naval strength of the powers concerned;

"(4) That the capital-ship tonnage should be used as the measurement of strength for navies and a proportionate allowance of auxiliary combatant craft prescribed."

The report after the statement of the American plan continues (what an aid it would be if similarly we could follow what happened at London):

"This proposal was presented on behalf of the American delegation at the first session of the conference, and at once evoked from the other delegates expressions of assent in principle."

The report continues:

"It was obvious that no agreement for limitation was possible if the three powers were not content to take as a basis their actual existing naval strength. * * *

"When the argument was presented by Japan that a better ratio—that is, one more favorable to Japan than that assigned by the American plan—should be adopted and emphasis was placed upon the asserted needs of Japan, the answer was made that if Japan was entitled to a better ratio upon the basis of actual existing naval strength, it should be, but otherwise it could not be, accepted. The American plan fixed the ratio between the United States, the British Empire, and Japan as 5–5–3 or 10–10–6; Great Britain at once agreed, but the Japanese Government desired a ratio of 10–10–7. * * *

"The American Government submitted to the British and Japanese naval experts its records with respect to the extent of the work which had been done on the ships under construction, and the negotiations resulted in an acceptance by both Great Britain and Japan of the ratio which the American Government had proposed.

"Before assenting to this ratio the Japanese Government desired assurances with regard to the increase of fortifications and naval bases in the Pacific Ocean. * * *

"After prolonged negotiations the three powers—the United States, the British Empire, and Japan—made an agreement that the status quo at the time of the signing of the naval treaty, with regard to fortifications and naval bases, should be maintained in their respective territories and possessions."

The treaty presented by the Washington conference severely restricted our naval bases in the Pacific Ocean west of Hawaii, which is distant nearly 3,000 miles from Japan and almost 5,000 miles from Manila. These restrictions were admittedly the price paid by the United States for the 5–3 ratio with Japan, and the obligations of the United States in respect to its naval possessions in the Pacific have been scrupulously observed.

We have been at some pains to demonstrate the ratio that was accorded at the Washington conference of 1922, because, with a most peculiar lack of knowledge, it has been asserted repeatedly by our representatives that by the Washington conference a ratio was fixed in respect to battleships and airplane carriers alone, and that there was no agreement at all in regard to auxiliary craft. It is quite true that the Washington conference did not deal with scrapping and the like of cruisers and auxiliary vessels, but it is no less true that there was a definite and distinct understanding upon which our country acted and is acting to-day in reference to its possessions in the Pacific by which the ratio not only of battleships but auxiliary vessels was fixed by the three nations—5 for Great Britain, 5 for America, and 3 for Japan. Forgetfulness of what transpired at the Washington conference and a mistaken view that no ratio was fixed for auxiliary craft at Washington led our representatives at London into error, and apparently there, by conceding the lack of ratio, they eliminated what had in reality been agreed upon at the Washington conference to the great detriment and disadvantage of our Nation.

The immediate aftermath of the Washington conference was the scrapping by the United States of battleships upon which some hundreds of millions of dollars of our taxpayers' money had just been spent. Our sacrifices were infinitely greater than those of any other nation, and this is the admitted fact. Not only did we make the sacrifice in dollars and cents, but in battleships that had no peer in all the world, and we permitted our naval bases to remain in status quo, without in reality corresponding restrictions upon Japan and with the British left with their full rights as close to the Orient as Singapore. We destroyed our taxpayers' property and restricted ourselves much more severely than either of the other nations. This was done upon the theory that we had obtained a naval limitation treaty, that the ratio of the navies of the three great nations was 5–5–3, that competition in naval armament had been forever stopped, and that our taxpayers had been relieved of a most onerous burden of taxation.

Indeed, after the Washington conference the chief of the American delegation, singing its praises, said:

"It is obvious that this agreement means ultimately an enormous saving of money and the lifting of a heavy and unnecessary burden. The treaty absolutely stops the race in competition in naval armament. At the same time it leaves the relative security of the great naval powers unimpaired."

We had scarcely ceased applauding the eloquent words of Mr. Hughes at the close of the conference before our disillusionment came. Immediately thereafter Great Britain and Japan began building cruisers. The competition in naval armament that we boasted had been so effectively stopped by the Washington conference really began immidiately thereafter. There was no lifting of any burden of taxation from peoples. The Washington agreement instead of leaving relative security of the great naval powers unimpaired left it unstable and uncertain, and by one of the paradoxes of diplomacy we found at London these results of the Washington conference seriously urged by our representatives as reasons for the execution of the London treaty,

and they are now with equal seriousness insisting that these results demand the London treaty ratification.

Feverishly after the Washington conference building of warships was engaged in by Great Britain and Japan. The United States pursued the even tenor of its way and adopted finally a cruiser program, which has been accepted as a national naval policy. But a small part of this policy has been thus far carried out. Many more cruisers have been built by Japan and Great Britain than by our country, and strangely enough the representatives of the richest country in the world, the only nation where economic necessity does not forbid pursuing any course deemed appropriate or necessary, ask that we accept by the London treaty a situation forced upon us by Great Britain and Japan by which we freeze our Navy into a condition which will still further handicap us in any future conferences.

For many years past there has existed within our Government what is termed the General Board of the Navy that reports in all naval matters to the Secretary of the Navy, and makes its recommendations concerning the naval interests of our Government. For a decade this General Board, composed of those learned in their profession and expert in its technical ramifications, has definitely recommended, and this recommendation has become our fixed policy, that 8-inch-gun cruisers were essential for the protection of American commerce, especially in view of the possession by other navies of battle cruisers and of naval bases and merchant marine superior to us. From time immemorial it has been held in our country that the primary purpose of the Navy was the protection of our commerce. We are very much inferior in our merchant marine to Great Britain, and our agreement not to strengthen our bases in the Pacific greatly lessened our real naval power there. The lack of these bases and the inferiority of our merchant marine emphasize the absolute necessity for our country to possess the strongest type of cruiser permitted within the limitations of our treaty obligations, and this is the 8-inch-gun cruiser.

Our General Board has insisted that within the total tonnage allowed by treaties we should be permitted to build such ships as we desired, and that other nations should have the like privilege. The very crux of one of the controversies over the London treaty is this right of the United States to build within the tonnage provided, suitable ships for the United States. The right is demanded by some of us. It is denied by Great Britain. In the London treaty Great Britain prevails.

At the Geneva conference in 1927 our delegation, acting under the instructions of President Coolidge, refused to yield the right of the United States to build within the tonnage limitation the type of cruiser which we needed, and upon that issue the conference failed. We declined to yield either to the demand of Great Britain that we build the kind of cruiser for the United States that Great Britain insisted we should build. The Hon. Hugh Gibson, one of the American ambassadors at Geneva, then stated:

"The immediate and obvious result of acquiescing in these British proposals would have been that the British Empire would have been able to build exactly what it desired, and that we, on the other hand, would be restrained from building what we considered we might need * * *."

In no more apt language could the situation at Geneva be described and no more apt language could characterize what happened at London.

The controversy at Geneva was a conflict between the naval policy of Great Britain and the naval policy of the United States. On the one hand Great Britain insisted upon the division of cruisers into two categories, and refused absolutely to permit the United States to build, within the tonnage limitation allowed, such cruisers as the United States desired. The United States demanded this right, which it readily accorded to Great Britain. Great Britain demanded the right to direct what we should do. Great Britain failed at Geneva. Great Britain won at London.

It becomes important to keep in mind this situation: One American administration, one set of American representatives, and the American Navy, with few exceptions, insisted upon the American policy at Geneva, always according exactly the same right that we claimed to Great Britain. Another set of representatives, another administration, but the navy still protesting, scrapped the American policy at London, and accepted for the American Navy what Great Britain has insisted America must accept.

Exactly when it was determined that we should forget the American policy is shrouded in mystery, because the Foreign Relations Committee, the American Senate, and the American people, are denied the papers, the documents, and communications relating to the London conference.

The cruiser controversy, which hereafter in detail will be referred to, is in reality a conflict of economic policies. The statements of Lord Balfour at Washington and the British representative at Geneva clearly demonstrate this. The whole British case is based upon their needs for protecting their trade. They have this right and ought to be accorded it. The American position, while admitting to the British the right to protect their trade, has maintained that we should have an equal right to protect an equal trade.

By the restriction placed upon us in the matter of 8-inch-gun cruisers, the ability to protect American trade is tremendously less than what is now the ability of the British to protect their trade. The British with their bases, with their merchant ships upon which 6-inch guns may be mounted, with every trade route in the world dominated by the British Navy, can protect their commerce adequately, and can do this with the smaller gun cruisers; but we, without bases, with but one-fourth of the craft Britain has, which may be transformed into fighting ships, absolutely require the larger gun cruiser for our protection.

The paradox in the case is that even though we retain our right to build all of the cruisers of the 8-inch-gun type, and Britain chose to build most of the 6-inch-gun type, while we better our position and could more nearly approach protection of our commerce, we could not possibly overcome the handicaps of her superiority in battle cruisers, naval bases, and merchant-marine preponderance. Her trade would still remain substantially safe the world over against the possibility of attacks upon it, whereas she would retain the power while protecting absolutely her own trade effectively to attack any other. In the last analysis, therefore, the 8-inch-gun cruiser affords the United States merely a better protection, without overcoming all of the handicaps incident to the factors in naval power, other than naval vessels themselves.

PARITY

After the ratification of the Washington treaty, when the American people began to take stock of what had been done, when our so-called statesmen had dropped from the clouds, where they had been singing pæans of praise to peace, and when sanity returned to those who give an occasional thought to their Nation's future, it was found that none of the things so fondly hoped for, and which our people had been told had been accomplished in a sanctified atmosphere, had really happened. It took a long time for the consequences of the Washington conference to penetrate the mists of an almost overwhelming propaganda and finally to permeate all classes of our people. When ultimately, however, the people understood the results—that they had from a position of superiority, at a tremendous cost, been maneuvered into a position of inferiority—there began the cry in our country for parity of our Navy with that of any other in the world. Two Pesidents successively heeded this constantly increasing demand, and both President Harding and President Coolidge voiced the insistence of a disillusioned people for parity for our Navy with that of any other navy in the world.

In 1929 no administration could withstand this insistence of a people who felt themselves outraged by the results of the Washington conference, and so in the preliminary negotiations of the London treaty, according to the press (we are denied any knowledge of exactly what transpired), those representing the United States Government insisted upon parity between our Navy and that of Great Britain.

When Premier MacDonald spoke so charmingly and eloquently to the United States Senate, he said in the course of his delightful speech:

"What is all this bother about parity? Parity? Take it without reserve, heaped up and flowing over."

The boast most often heard by the sponsors of the London treaty is that finally it has given to us parity. We fondly imagined we had obtained it in 1922, but the advocates of the London treaty, in rather contemptuous repudiation of the 1922 agreement, plead now in behalf of the treaty before us that, notwithstanding we were either mistaken or deceived at Washington, the wrong has been righted at London, and that finally, by the gracious permission of Japan and Great Britain, the United States is accorded the parity that we desired. Unfortunately this is not so.

PARITY IN BATTLESHIPS

The Washington conference was supposed to establish battleship parity between the United States and Great Britain. Such was then said to be the main naval accomplishment of that conference. Parity was not, however, accomplished by that conference, for two reasons:

1. The number of battleships remaining in the British Navy, and their aggregate tonnage, substantially exceeded the aggregate tonnage and number of battleships remaining in the American Navy.

2. Britain was allowed to construct two speedy superdreadnaught battleships, completed as late as 1927, incorporating all the lessons of the late war, and far superior in gun power, armor, protection, and other essential respects to any other battleships in either navy. The effect of the construction of these two superdreadnaughts was not only to modernize the battleship power of the British Navy, but by reason of that alone, to give the British a battleship force far superior to our own.

Under the London treaty the disparity in numbers is rectified through the scrapping of five British and three American battleships. The disparity in the total tonnage of remaining battleships, however, is not fully corrected, since after all scrapping is completed the British will still have a surplus of about 25,000 tons of battleships more than America. This surplus is nearly equivalent to one battleship. Thus there still remains a disparity of battleships in total tonnage.

The further disparity of battleship power under the London treaty, incident to the British possessing the new and modern battleships *Rodney* and *Nelson*, is much more marked. Admiral Leahy, Chief of the Bureau of Ordnance, whose testimony not even the proponents of the treaty question, said before the committee that by virtue of these two ships alone the British are given "a very marked superiority" over our battleship fleet.

It is obvious that the more nearly the two fleets are scrapped down to the *Rodney* and *Nelson* the greater will become the relative superiority of British battleship power over us.

Under the battleship holiday provided by the London treaty it is proposed that we are to compensate ourselves in part for the *Rodney* and *Nelson* superiority by modernizing our old ships. Such modernization, of course, can never bring us up to complete parity. It can in part only rectify our deficiency, and it involves the spending of many millions of dollars which could be more effectively and more economically utilized by the common-sense British method of modernizing battleship power through building new ships to replace old ones.

The testimony of Admiral Rock, the Chief Constructor of our Navy, and the responsible official for such data, is that our modernization program in the aggregate amounts to about $118,000,000. We have already spent $23,300,000 on modernizing eight ships, three of which are to be scrapped under the London treaty. We are now engaged in modernizing two more battleships under an appropriation of $14,800,000, and there is pending before the Congress an item of $30,000,000 for modernizing three more old battleships. After this shall have been done, according to the testimony, there are five more battleships, to quote the record, that "require to be modernized in order to make them comparable with the foreign more modern battleships." These last five are to cost $8,000,000 apiece, or a total of $40,000,000.

Of the enormous total of $118,000,000, we have already spent or have been obligated to spend about $38,000,000, leaving $80,000,000 still to be appropriated if we are to modernize our battleship fleet, and then we do not obtain parity with Great Britain.

According to the testimony, a new battleship would cost approximately $39,000,000. Hence we could match the *Rodney* and *Nelson* and make up our existing deficiency in battleship strength, which can not be done by modernization, by building two ships like the *Rodney* and *Nelson* with the money which it is proposed to spend for modernization.

We speak of this question of modernization because it is one of the boasted "permissions" which our delegates to London say they have obtained from Great Britain. It must be kept in mind that our representatives at London, realizing our inferiority in battleships, demanded in writing in the first proposal they made the right to construct a ship like the *Rodney* and *Nelson*. Instantly Great Britain refused, and with the refusal of Great Britain the suggestion ended, but the advocates of the treaty who appeared before the committees laid great stress upon the fact that they had succeeded in obtaining from Great Britain the right of modernization, and this, those who testified, asserted to have been a marvelous victory. We already had that right, and when Great Britain accorded it to our representatives at London they accorded us something that was already ours, and which our State Department had ruled was ours. Of course, we were not permitted to build a battleship, which would give us parity with Great Britain, but we were permitted to exercise what had already been decided was our right. The exercise of this modernization program Great Britain knew, just as we know now, will leave us in battleship power still inferior.

We are denied the full information which would enable us authoritatively from the documents to speak; but from the information which has come to us—information we believe to be accurate and reliable—we think we are justified in stating that at the Rapidan Premier MacDonald committed himself to our building a new battleship. The Premier of Great Britain, however, must reckon with the British Admiralty, whose views on naval matters in Great Britain are practically supreme; and doubtless the British Admiralty (how different is our treatment of our naval officers and experts) decreed we could not have a new battleship, and, of course, that ended the matter.

PARITY IN CRUISERS

One of the peculiarities of the treaty is the meticulous care with which during the life of the treaty our country is left always in a position of inferiority. Any computation made in any fashion from the date of the signing of the treaty until the last day of its life, because of its peculiar phraseology and the singular exceptions made, will always leave the United States in a position of inferiority in naval strength. Nothing better illustrates this than the provisions relating to cruisers. Here we find every member of the General Board in agreement, and supporting them a great preponderance of the officers of the United States Navy. It is not a question of one admiral expressing his views. It is the expression of a practically universal sentiment by those who know the very nature of the treaty, by officers giving responsible official advice. If those who are to pass ultimately upon this document will but take the trouble carefully to study the treaty, they can reach but one conclusion, that expressed by the members of the General Board, and nearly all the officers of the United States Navy.

The situation is cogently stated in the testimony of Admiral Reeves, which is here quoted:

"Admiral REEVES. Of course, one of the most important points in connection with this treaty is the question of parity. I wish to comment first on the question of parity during the life of the treaty. The second point I will deal with is the question of parity upon the conclusion of the treaty.

"The treaty during its life nominally assigns to the United States eighteen 8-inch cruisers, and nominally assigns to Great Britain fifteen 8-inch cruisers.

"According to the terms of the treaty the United States will be permitted to actually have built and in commission during the life of the treaty sixteen 8-inch cruisers, and Great Britain will be permitted to actually have built and in commission during the whole term of the treaty except the last year 19 cruisers of this category.

"The CHAIRMAN. Nineteen 8-inch cruisers?

"Admiral REEVES. Yes, sir; of such category (a). During the last year of the treaty she will have 18 of this type of ships.

"During the actual life of the treaty Great Britain will have a superiority in the 6-inch cruisers as well as in the 8-inch class. The total tonnage that the United States may have during the term of the treaty is 303,500 tons of cruisers built and in commission. Great Britain during this period will have a total cruiser tonnage of 339,000 tons.

"So as to the question of parity during the terms of the treaty—and the treaty is not effective after December 31, 1936—Great Britain will have nineteen 8-inch cruisers and a superiority of 6-inch cruisers except in the last year, when she will have eighteen 8-inch cruisers, with a total tonnage of 339,000 tons.

"The United States will be permitted to have sixteen 8-inch cruisers and an inferiority of 6-inch as well as a total cruiser tonnage of 303,500.

"Senator WALSH of Montana. Will you explain how it is that Great Britain will have 19 during the life of the treaty?

"Admiral REEVES. She is permitted fifteen 8-inch cruisers plus the four *Hawkins* class, which are in that subcategory. Those ships have a total tonnage of over 39,000 tons and carry 7½-inch guns. They come in subcategory (a).

"Upon the conclusion of the treaty, the date upon which we are supposed to attain parity, the two nations will be left by the terms of the treaty in the following situation in regard to total cruiser tonnage built and building: The United States, 337,600 tons; Great Britain, 425,350 tons.

"Of her 425,350 tons, as I read the treaty, Great Britain may have built and building a total of twenty-three 8-inch cruisers.

"(NOTE.—When Admiral Reeves testified there yet existed in Article XIX of the treaty an ambiguity by which Great Britain might have replaced 86,000 tons of cruisers by vessels of the 8-inch-gun type. Subsequently an exchange of notes clarified this point, limiting the replacement by Britain to 6-inch-gun cruisers. The total tonnage, however, is not affected by these notes.)

"The ratios during the life of the treaty with the tonnage that we may have in commission and which Great Britain will have in commission is 5 for the United States, 5.58 for Great Britain, and the ratio of the cruiser tonnage built and building with which the treaty leaves us is 5 for the United States and 6.3 for Great Britain.

"This is not a question of parity; it is one of inferiority, and inferiority that imperils the security of our commerce.

"The reason Great Britain is in a position upon the conclusion of this treaty to have under construction 86,500 tons is because this treaty has reduced the age limit of her cruisers to 16 years. And this leads me to the third point that I wish to cover briefly in this oral statement, and that is the number of fundamental recommendations made by the General Board prior to the London conference, which were conceded or canceled in that conference.

"The General Board and the American position has consistently maintained, up to this London conference, freedom for Americans to decide the type of American ships that should compose the American Navy. That point was conceded in principle and in fact in the London treaty. The General Board recommended, and our position has always been consistently maintained, that there should be no subdivision in the different categories of ships.

"Senator JOHNSON. Pardon me, you said that the right of Americans to build American ships for the American Navy was conceded in the London conference. Did you mean that?

"Admiral REEVES. I mean that principle.

"Senator JOHNSON. It was conceded to Great Britain, you mean.

"Admiral REEVES. Yes, sir; it was conceded both in principle and in actual fact.

"Senator JOHNSON. Excuse my interruption, but I thought it might be taken that it was suggested that it was maintained there.

"Admiral REEVES. No, sir. The American position that there should be no subdivision in categories was also abandoned. The cruiser category was subdivided into two distinct classes, a very serious disadvantage to the United States.

"The General Board recommended and pointed out at length, and emphasized that there should be no laying down of replacement tonnage prior to December 31, 1936. This point was also abandoned; and that is why Great Britain is enable upon the conclusion of the treaty to have this enormous cruiser tonnage under construction.

"Upon the age limit the General Board pointed out the disadvantage of reducing the age limit of cruisers. This point during the preliminary negotiations was at one time understood to be settled. At a later date the General Board did accept a reduction in the age limit of seven of the British ships, but in doing so made it clear that it was a concession

upon our part, and pointed out the danger of such action at London. The reduction of the age limit to 16 years for ships constructed, laid down prior to 1920, affected 23 British cruisers instead of these 7 that I have mentioned.

"The General Board, after enumerating these principles which have been the principles of our negotiations in limitation up to the present London conference, stated that if all of these principles be included in an agreement then the General Board, referring to specific details, stated that we could accept a rock-bottom minimum of twenty-one 8-inch cruisers for the period of this treaty if such procedure were necessary in order to reach an agreement. It was made perfectly clear and definite that no reduction below that figure should even be considered."

The testimony of Admiral Reeves is quoted because in condensed form it admirably presents our lack of parity in cruisers under the London treaty. It must not be understood that Admiral Reeves alone testified to this situation. He is corroborated by at least 20 other witnesses, who testified before the Foreign Relations Committee, and his testimony is scarcely denied by any witness at all. What Admiral Reeves proves is not demonstrated therefore by a mere preponderance of evidence, but by the overwhelming mass in numbers of witnesses and in the quality of their evidence.

In considering this question of our want of parity in cruisers we have to take into account the important factors of strength, which may flow (1) from having comparatively new ships, or (2) from having ships actually under construction additional to those which may be already completed.

Admiral Reeves has pointed out that the position of the General Board, when it reluctantly consented to reducing our 8-inch-gun cruiser quota from 23 to 21, was partly predicated upon limiting British replacements to no more than seven ships. Yet our London delegation not only reduced the General Board's irreducible minimum of our 8-inch-gun cruisers from 21 down to 18 but at the same time the British were accorded the privilege of modernizing their cruiser fleet through the construction of 23 new cruisers during the life of the treaty, instead of being restricted to the replacement of only seven cruisers during this period.

In regard to the factor of strength incident to having ships under construction, additional to those already built it is noteworthy that at the expiration of the treaty on the 31st of December, 1936, the comparative figures for total tonnage of cruisers both built and building will be as follows:

	Total tonnage	Ratio
United States	337,600	5
Great Britain	425,350	6.3
Japan	227,040	3.5

Obviously both of these important factors of cruiser strength, which deny us parity in cruisers, have been manipulated against us. It was possible to do so largely by reason of the arbitrary reduction in the age limit of cruisers from 20 years to 16 years, against which the General Board strongly advised in advance of the conference. This reduction of cruiser age, sought and obtained by foreign powers, resulted in advancing the dates when replacements could normally begin for 172,000 tons of British cruisers and 32,000 tons of Japanese cruisers.

These figures of abnormally speeded-up cruiser construction on the part of Great Britain and Japan are in sharp contrast with the frequently reiterated statements made by members of the American delegation before the Committee on Foreign Relations and by radio to the American people, that Britain and Japan are committed to the halting of their cruiser construction to permit America to catch up with them in this class of ship. It has been upon this false premise that these representatives of our Government have predicated their weak justification of the sacrifice of American interests which they have made.

THE CRUISER CONTROVERSY

The cruiser is a necessary and indispensable part of a navy. Great Britain desires one kind. The United States up to the time of the London treaty has desired another kind. Great Britain has many naval bases and numerous large merchant ships capable of ready transformation into fighting ships. America has few naval bases and not one-fourth the merchant ships available to Britain for naval fighting auxiliaries. The Washington conference limited the maximum tonnage of cruisers to 10,000 and the size of guns which might be mounted upon them to 8 inches, and authorized merchant ships under certain circumstances to carry 6-inch guns. Great Britain in the long course of negotiations suggested a total tonnage in cruisers of 339,000. This was accepted. The American Navy desired that, up to the total tonnage, Great Britain should build such cruisers as she wished, and the United States should build such cruisers as we deemed appropriate. The needs of the two nations admittedly are different, and the disparity between the two in naval bases, battle cruisers, and merchant ships which might be armed made this difference. Great Britain has consistently and pertinaciously declined to permit the two nations to build, within the limits of the tonnage, such cruisers as each thought necessary. Finally Great Britain suggested two categories of cruisers, dividing them, in substance, into those carrying 6-inch guns and those carrying 8-inch guns. Six-inch-gun cruisers are of little value to the United States, particularly in the matter of protecting American commerce, and the position of our country has always been that the first duty of the Navy is commerce protection. The 6-inch-gun cruisers are generally speaking all sufficient for Great Britain. The representatives of our Navy in Washington, at the insistence of our Government that an agreement of limitation might be reached, finally reluctantly agreed to an irreducible minimum of twenty-one 8-inch-gun cruisers, while asserting, nevertheless, that we should have 23. Great Britain refused to permit us 23. Great Britain refused to permit us 21. Ultimately, Great Britain offered to "permit" the United States to build 18. Even this, under the treaty, was coupled with the condition we could have only 16 during the life of the treaty and 2 thereafter. Of course, an equivalent of 6-inch-gun cruisers was offered; but these the great preponderance of naval authorities hold to be of little consequence to the United States.

In 1927, at Geneva, the same attitude was maintained by Great Britain. Great Britain then insisted, as she insisted at London, that the kind of cruisers we should have for our Navy should be as designated by her. Our representatives at Geneva thought we ourselves should determine the kind of cruisers within the limitation we might build. At London Mr. MacDonald never varied in his demands, and we graciously yielded. The question involved is far greater than a mere three or five cruisers, as the case may be. In 1936 the surplus of British and Japanese cruiser strength, counting built and building tonnage, over and above the 5–5–3 ratio will be for Great Britain 87,000 and Japan 40,800. Again we are restricted in the type of cruiser best suited to our needs. And if we admit this principle now, we are definitely committed to it at the forthcoming conference of 1935 and at the long series of distant future conferences so rosily pictured by Secretary Stimson. At these there will be many American cruisers cut to foreign pattern if we now accept the principle. Moreover, a casual reading of the treaty would lead an unsuspecting person to believe that during the life of the treaty we were to obtain 18 cruisers as compared with 15 for Great Britain. As stated, we are to have but 16 during the life of the treaty, and when the complicated ramified exceptions to the treaty are unraveled it develops that the number of this type of cruiser which the British are to have is not 15 at all, but may be as many as 19 during the greater part of the life of the treaty. Thus, there are at issue in reality the question of 11 cruisers, 7 American and 4 British, and a principle operating to our disadvantage covering many future cruisers, British, American, and Japanese.

Accept if you will the minimizing of what is called the cruiser controversy, the fact remains that the question was of sufficient importance for Great Britain from first to last and during all the years to deny us what we demanded for our protection, and was deemed of sufficient importance by Great Britain at London to threaten the collapse of the entire conference. The reason for her insistence is clear. She wishes severely to restrict American ability to protect the immense American ocean commerce which competes with hers. She wishes to retain in full measure her existing power to bring victory-winning economic pressure upon us, should need arise, by stopping our sea trade while at the same time assuring freedom for her own trade.

In justification of the violation of American interests in the matter of cruisers it has been suggested that we had little cruiser tonnage to bargain with, and that a great concession has been granted us by Japan and Great Britain in "permitting" us to build up to their cruiser strength. Yet an exactly parallel situation existed respecting our destroyer and submarine tonnage. We entered the conference with a substantial advantage in both these categories. Here is set forth the total tonnage in destroyers and in submarines which existed at the time of the conference, together with the corresponding totals called for by the treaty:

	1930	By treaty
Destroyers (built and building):		
United States	290,000	150,000
Great Britain	191,000	150,000
Japan	129,000	105,050
Submarines (built and building):		
United States	85,000	52,700
Great Britain	63,000	52,000
Japan	78,000	52,700

If it had been a matter for bargaining, we gave away our advantage there without any corresponding return in relation to cruisers. What a tribute it is to British diplomacy that in this case they repeated their triumph of the Washington conference. Classes of ships in which we were greatly superior to them were at once reduced down to their general levels without any compensating advantage to the United States. Classes of ships in which the British held a great advantage were not subjected to any such leveling process. At Washington in

1922 it was our great battleship preponderance which vanished. At London in 1930 our striking preponderance in destroyers and submarines suffered a similar fate. At both Washington and London the very marked British superiority in cruiser forces was perpetuated for them. If the London treaty is carried out as contemplated by its terms, the ratio in 1936 for combined cruisers, destroyers, and submarines, counting ships built and building, will be 5 for us, 5.7 for Great Britain, and 3.6 for Japan. This is the abandonment of the ratio fixed by the Washington conference—the ratio for which we destroyed the world's greatest battleships, sunk hundreds of millions of the taxpayers' money, and stopped fortifying our own possessions in the Pacific.

And the destruction of this ratio, in case of difficulty, imperils our sea-borne commerce and endangers our national defense. And not only is it an abandonment of the necessary ratio agreed to at Washington but it makes of our boasted parity a mere irridescent dream.

THE DESTRUCTION OF THE AMERICAN RATIO

Without exception all witnesses familiar with the subject have testified that the 5–3 ratio with Japan was absolutely essential for the protection of our commerce and the maintenance of our national security. Indeed, there was no dissent from the oft-repeated statement that this ratio, with the condition that our bases in the far Pacific remain in statu quo, was more than generous to Japan. Any increase in the ratio in favor of Japan, all witnesses alike say, is disadvantageous, unjust, and unfair to our country. The total commerce of the United States with the Orient in 1929 was of the aggregate value of $2,377,251,000. Each year this enormous trade is increasing. Statesmen for centuries have understood what trade rivalry means; and commerce supremacy long since taught the lesson of national protection. To think of this, to have the vision of the Nation's future commercial greatness and to assure its protection, is neither militarism nor jingoism. It is only the fool, ignorant of the past and willfully blind to the future, who would strive to have his country outstrip all others in sea-borne commerce, who would gleefully succeed, and then would leave that commerce and his nation naked and defenseless.

It has already been pointed out that in order to reach an agreement on a 5–5–3 ratio for navies at the Washington conference this country made sacrifices in her naval strength of that time far exceeding concessions by any other party to the agreement. Not only did we scrap battleship power on an immense scale, but we also gave up what was equally important in respect to our ability to defend American interests in the Orient—we severely circumscribed our naval-base strength in that region.

Predicated upon these American sacrifices Great Britain and Japan both agreed in principle to the 5–5–3 ratio, in relation not only to battleships but also to auxiliary naval craft. Concerning the latter there was a distinct moral commitment. This is clear from the subsequent public addresses of President Harding and from the official report of the American delegation to that conference, notwithstanding the fact that following the negotiations the treaty itself omitted any specific agreement for scrapping and the like of auxiliaries. Such omission had no reference to adjustments between the United States and any other power, but was consequent upon a disagreement between Britain and France.

Since the 1922 conference nothing has occurred to alter the equity of the 5–5–3 ratio. We were even relatively very weak in cruisers then, as we are now, so that the argument which has been so persistently advanced by the London treaty proponents, that our great deficiency in cruisers in 1930 made it necessary to sacrifice our ratio of general strength in order to gain an agreement, is substantially as illogical as it is unjust to the United States.

In order to gain any adequate appreciation of the violence that has been done to American interests in this destruction of the 5–5–3 ratio it is necessary to resort to precise figures. Before doing so, however, let it be remembered that while at Washington we made great sacrifices of battleship and naval base strength to gain the ratio, at London we also made correspondingly great sacrifices of our destroyer and submarine superiority—yet lost the ratio.

At London we lost the ratio not alone in auxiliary naval strength but as well in total naval strength. Counting vessels built and building the new ratios computed to December 31, 1936, together with the total tonnages for each item, are as follows:

	America	Britain	Japan
Cruiser ratio	5	6.3	3.4
Total tonnage	337,600	425,350	227,040
Destroyer ratio	5	5.1	3.9
Total tonnage	150,000	152,960	115,900
Submarine ratio	5	4.4	4.1
Total tonnage	67,530	59,095	59,900
Combined auxiliary ratio	5	5.7	3.6
Total tonnage	555,130	637,405	402,800
Entire Navy, ratio	5	5.4	3.2
Total tonnage	1,152,530	1,247,155	749,910

Considering the above data upon the entire navies, our deficiency below parity with Britain amounts to 94,600 tons and our deficiency below the theoretical five-thirds of Japan's Navy amounts to 97,300 tons. This tonnage difference in both cases is the equivalent of about 3 battleships, or 10 large cruisers, or 13 small cruisers, or 65 destroyers, or 65 submarines. There is obviously a sharp contrast between these cold facts and the extraordinary contention, so persistently and widely propagated from high and responsible quarters, that the main issue in the whole treaty is the infinitesimal difference between the armament on only three cruisers—whether they are to have 6-inch or 8-inch guns.

What a commentary this contrast offers upon our ability to meet our grave responsibilities under the Constitution to provide for the common defense and promote the general welfare of our country. What a commentary it is upon our attitude toward the sacred trust which has been reposed in us by the American people. By virtue of their positions the supposed statesmen of our Nation have had in their keeping the cardinal national interests. These should be cherished and safeguarded, not bargained away without commensurate return or sacrificed on the altar of internationalism.

THE COST OF THE TREATY—NO SAVING TO TAXPAYER

The testimony that has been adduced demonstrates that if we build up under the London treaty, and, of course, it is of no use whatsoever to us unless we do, it will cost us $1,071,000,000. By some sort of arithmetical ledgerdemain, it is constantly asserted by the advocates of the treaty that it results in economy for us, because figuring first upon how much it would cost us to replace certain battleships, which upon the mere suggestion of the countries involved could have been eliminated, and then adding a complete new building program which doubtless never would have been consummated, the treaty devotees reach a sum almost as great as that rendered necessary by the treaty itself.

Even upon the wild assumptions of the treaty advocates, the widely heralded saving of $400,000,000 through the holiday in battleship construction is largely fiction. Under the terms of the Washington treaty we can not complete more than five battleships by 1936, which would cost $195,000,000. Five others may at that time be partially completed, and $100,000,000 would be a very liberal estimate of the amount which could be spent upon them by that time. Thus we have a maximum theoretical saving of $295,000,000, but against this we have the set-off of the great charges for the work of modernizing our old battleships. When this is done the fiction of $400,000,000, the mythical saving talked of by sponsors of the treaty, becomes in fact only about half that sum.

The slightest consideration of the stern realities very gravely affecting the present economic situation in Britain and Japan compels the conclusion that we need no treaty to accomplish a battleship holiday. A mere exchange of diplomatic notes would amply suffice for this purpose. Eager and willing have both countries been for this consummation.

Summarizing the conditions in Great Britain, the grand council of the Federation of British Industries reported as follows in February last:

"The budget outlook is extremely grave. British industry has been struggling for nearly a decade to recover its position in the markets of the world, handicapped by a load of taxation which far exceeds that of any other important commercial country. * * * It now finds itself faced with the certain prospect of additional taxation. This prospect comes at a time when many of our competitors are contemplating decreases in taxation and follows a year in which Great Britain has had her commercial and industrial activities hampered and curtailed by abnormally high credit rates and disturbed commodity markets, culminating in an international financial disaster of a magnitude unparalleled in the past 50 years. In the opinion of the federation, the present situation is one of grave and increasing menace to the financial and industrial stability of the country and should receive the most anxious consideration of His Majesty's Government before the financial arrangements for the ensuing year are completed. The federation bases this conclusion on the following facts:

"1. The revenue has been losing its buoyancy * * *.

"2. The real burden of our national debt has increased more or less continuously during the past 10 years * * *.

"3. The volume of savings has fallen * * *.

"4. The outlook for the future is doubtful * * *."

Economic conditions in Japan are equally bad. An index to them is given by the following quotation from an official report under date of January, 1930:

"There seems to be a marked business depression in almost every line of business, for the simple reason that the public is following the Government's policy of retrenchment and many business men are somewhat pessimistic over the future. One leading business man is quoted as saying that if this policy continues it will result in the wholesale failure of many smaller businesses and industries which are operating on a small capital, thereby swelling the ranks of the already overlarge army of unemployed. This business depression, he predicts, will continue three or four years unless the Government's policy is changed. Raw-silk prices continued up for some time, but that was more or less due to the foreign buyers having settled exchange when it was low; but

they are beginning to fall now and will cause the prices of cocoons to fall about 20 per cent, thereby bringing the depression to the rural districts as well. One of the most noticeable effects of this is the great decreases in railway revenues during the past few months.

"The unemployment situation becomes worse as the general business depression continues. The Government plans some aid to them but as yet have not made their plans known. Experts from the poorer section of the cities state that there is much suffering in this cold weather and that the free-food kitchens are overcrowded. Some help was given the so-called white-collar element over the holidays by the post office and ministry of home affairs, while the Emperor made a large donation."

These quotations are made merely in refutation of the silly statements of savings under the London treaty. They could have and would have been made without any treaty. But contrast the result if we act under the treaty—a billion dollars more taken from our taxpayers.

There is no reasonable or legitimate excuse for the surrender of the American position at London or the acceptance of every proposal made by other nations at variance with our own.

The greatest contributing cause to limitation of navies is economic necessity. In the present situation neither Great Britain nor Japan is in any position economically to indulge in competitive naval building; and we, fortunately, under no circumstances wish to indulge in an armament race with any nation. In existing conditions of the great nations of the world there was no excuse for our people yielding the ratios so dearly bought with Japan in 1922, or our right to build the kind of ships we desired, so consistently fought for for eight years in the past and maintained so vigorously by President Coolidge at Geneva in 1927. With the will to stop competition that America has, with the power to indulge in it if America had to, our representatives at London, while respecting all others, without difficulty and without-out rancor could have maintained our rights, and could have maintained our rights without jeopardizing in the slightest peace or good will.

THE "ESCAPE" CLAUSE PRECLUDES LIMITATION

The "escalator" or "escape" clause, of course, makes a mockery of naval limitation. It provides that if any party to the treaty believes its security demands it, it may build additional ships, and the other parties may then do likewise.

Yet even in this there is not sufficient protection to American interests, owing to the unfortunate subdivision of cruisers into two subcategories, as previously mentioned. England may invoke the "escape" clause and increase her 6-inch-gun cruiser quota to meet the large projected French and Italian destroyer construction. This would be a logical step on England's part. The "escape" clause is not clear whether under such circumstances the United States would have to build 6-inch-gun cruisers to meet the British cruiser increase or whether we could put the additional cruiser allowance into the 8-inch-gun type, which is the only alternative that would be of benefit to us. The contingency provided for by the so-called escape clause is not unlikely to arise; and then it might well be, under the ambiguous wording of the section, the United States could exercise its privilege only by building useless 6-inch-gun cruisers.

HUMANIZING SUBMARINE WARFARE

With our recollections still vivid of what transpired during the Great War, with our horror for what we then thought were the brutalities of a part of the submarine warfare, the much-heralded accomplishment at London by which future submarine warfare was to be humanized struck a responsive chord with all of us. A reading of the provisions of the treaty, however, from which we expected so much and obtained so little, leaves us quite as disillusioned as to accomplishment as we have been left by many other provisions of the treaty.

There is no objection, of course, to the particular article relating to submarine warfare. In substance these provisions merely amount to a reaffirmation of many existing humanizing rules in international law applicable to all forms of warfare on the sea. It will be recalled that during the World War it was a violation of international law by submarines operating against commerce which formed the basis of the repeated American protests. Such laws then existed, still exist, and the framers of the London treaty have done no more than rather ambiguously to state them, and the uncertain statement affords no special reason for the ratification of the treaty.

NATURE OF OPPOSITION IN ENGLAND AND JAPAN

Great stress has been laid upon the alleged similarity between the opposition to the treaty in the United States as compared with the opposition to the treaty in Great Britain and Japan. This is an argument of small consequence, but, like all those used to bolster this inequitable treaty, it is, when examined, found to be wholly baseless. The facts are that the nature of the opposition in each country is very different.

Referring to the testimony given before the two committees of the Senate which have held hearings on this question, it is clearly evident that opposition to the treaty in the United States comes from those holding the responsible positions whose duty it is to advise on such matters. For example, we have the whole General Board of the Navy, the Chief of Naval Operations, the head of the American War Plans Division, and the Chief of the Bureau of Ordnance. The same position is adhered to by five former commanders in chief of the fleet and the admiral who is about to take command of the fleet.

In Great Britain it has been stated recently on the floor of the House of Commons by the First Lord of the Admiralty, Mr. Alexander, a civilian, that the British position at the London conference respecting cruisers and involving a reduction of the theoretical minimum requirements from a total of 70 units to 50 units was proposed by the Admiralty itself. He stresses the fact that the proposal did not come from the higher branches of the Government to the Admiralty, but came in the first instance from the Admiralty itself making a recommendation to higher officials of the government. Speaking for the Admiralty Mr. Alexander is now actively defending the treaty before the British Parliament, and the criticism of the treaty is coming from those who are not responsible for British naval policies. This is the exact opposite of the situation which exists in this country where those who are responsible for American naval policy have been virtually unanimous in objecting to the treaty terms, as unjustly jeopardizing American maritime interests.

Neither is there any true analogy between the opposition in this country and that in Japan. There the issue is mainly one of a matter of prerogatives as to who is to decide upon questions of national defense; whether it is the general staff of the navy or the Minister of Foreign Affairs. It is a quarrel of many years' standing which is simply now being reopened and has nothing to do with the terms of the treaty itself. The leader in the present fight to give authority for the general staff of the navy to decide upon national defense is Admiral Kato, but neither he nor any other persons opposing the treaty are seriously opposed to the terms of the treaty. On the contrary, there is virtual naval unanimity in being tremendously pleased with the treaty terms.

There is no true analogy between the alleged opposition in Britain and Japan and the opposition which is being made in this country to the terms of the treaty itself.

THE WITNESSES

Here are the witnesses in parallel columns appearing before the Foreign Relations Committee whose testimony was favorable to the London treaty or against it:

For	*Against*
Secretary Stimson.	Admiral Jones.
Secretary Adams.	Admiral Bristol.
Admiral Pratt.	Admiral Chase.
A written statement, without examination or cross-examination of Admiral Yarnell.	Admiral Pringle.
	Admiral Scofield.
	Admiral Reeves.
	Commander Train.
	Captain Andrews.
	Admiral Coontz.
	Admiral Leahy.
	Admiral Hughes.
	Admiral Nulton.
	Admiral Hough.
	Admiral Day.
	Captain Johnson.
	Admiral Standley.
	Admiral Taylor.
	Captain Taussig.
	Admiral Rock.
	Admiral Wiley.
	Admiral Robison.
	Captain Knox.

Secretaries Stimson and Adams were signers of the treaty. Of those who testified against it, Admiral Hughes is Chief of Naval Operations and he with Admirals Bristol, Chase, Reeves, Hough, Day, Pringle, and Captain Johnson are members of the General Board of the Navy Department, and they speak with the authority of their wide experience and with absolute unanimity. Admirals Jones, Coontz, Robison, Hughes, and Wiley were the preceding commanders in chief of the American Fleet. Admiral Chase will be the succeeding commander in chief of the fleet. Admiral Robison is the superintendent of the great Naval Academy at Annapolis. Admiral Pringle is president of the Naval War College. Admiral Taylor is the head of the war plans section of the Navy Department. Admiral Leahy is the Chief of the Bureau of Ordnance. Admiral Nulton was commander of the Battle Fleet, and Admiral Scofield has just now succeeded him in that position. Admiral Standley is Assistant Chief of Naval Operations. Captain Andrews is captain of the fleet flagship. Captain Taussig commands a battleship. All of these witnesses who have expressed their opinions at the demand of the Foreign Relations Committee firmly believe in just and fair naval limitation and reduction.

Who knows best the naval requirements of the United States? Apparently it is insisted that hysterical internationalists, whose thoughts

are with any but their own people, should determine the naval necessities of our country. This minority prefer to trust the defense of America to those upon whom it rests in time of peril.

CONCLUSION

In the foregoing we have attempted to set forth some of the major objections to the London treaty. There are many more which in the discussion of the document will be developed. Sufficient has been shown, however, to demonstrate that the treaty should not be ratified, and among others, for these reasons:

1. It abandons the American naval policy, sustained for more than a century, and especially with regard to the protection of American commerce on the high seas.

2. The splendid example of sacrifice made by our country in 1922, and thereafter our marked restraint in naval building, have actually been utilized to our detriment, and have been made the excuse for still further sacrifices, unmatched by any other nation.

3. At Washington in 1922 our great superiority in battleship power was emasculated without commensurate return. Now our great superiority in destroyers and submarines is similarly eliminated without material compensation. Both at Washington and at London British diplomacy succeeded in doing this to us, while at the same time retaining Great Britain's superiority in cruiser forces, with which they went into both conferences.

4. The London treaty destroys the 5–5–3 ratio so dearly bought at Washington.

5. The surrender of the 5–5–3 ratio greatly reduces our ability to protect a rapidly growing trade, which has already reached proportions of first magnitude, and upon which American business, prosperity, and livelihood vitally depend.

6. The treaty does not give us parity with Great Britain in naval vessels and leaves us far from parity in naval power or commerce protection.

7. By leaving to Japan and Great Britain battle cruisers, which could only be partly compensated for by allowance to the United States of needed 8-inch-gun cruisers, a further and additional advantage is given Japan and Great Britain.

8. We are denied the kind and number of cruisers our needs demand.

9. We can build the cruisers Great Britain "permits" us to build, but not those we ourselves, because of our requirements, desire to build.

10. The treaty hamstrings us in the Pacific by its unjustified and unfair increase in the ratio of Japan. It keeps us to our bargain not to strengthen our far Pacific bases, yielded as the consideration for the ratio, while permitting the other party to the bargain to evade its obligations.

11. The treaty makes no saving to our taxpayers. On the contrary, if acted upon, it adds a billion dollars to our expenditures. It is a billion-dollar treaty for the purchase of naval inferiority.

And lastly, the treaty may imperil our vast sea-borne commerce and endanger our country's future. It is unfair and unjust to the United States, and it should not be ratified.

GEORGE H. MOSES.
ARTHUR R. ROBINSON.
HIRAM W. JOHNSON.

WASHINGTON, *June 28, 1930.*

ADDENDA

THE FACTS RELATING TO THE DEMAND FOR DATA CONCERNING THE TREATY

Because of the misrepresentation which has been so persistently indulged in regard to the requests that have been made for papers and documents relating to the treaty, it is not inappropriate that the facts should be stated.

On the 16th day of May, 1930, Admiral H. P. Jones was under cross-examination before the Foreign Relations Committee by two of the signers of the treaty—Senator REED, of Pennsylvania, and Senator ROBINSON, of Arkansas. In the course of the cross-examination the admiral was asked concerning the various statements made in a report by the General Board to the Secretary of the Navy. The writer had never either seen or heard of this report at that time. Finally, Senator ROBINSON, of Arkansas, put the entire document into the record. The document begins as follows:

"SEPTEMBER 11, 1929.

"From: Senior member present.
"To: Secretary of the Navy.
"Subject: Further proposals on naval disarmament.
"References:

"(s) Dispatch No. 242 of August 24, 1929, from American ambassador, London, to the Secretary of State.

"(t) Dispatch No. 224 of August 28, 1929, from Secretary of State to American ambassador, London.

"(u) Dispatch No. 225 of August 28, 1929, from Secretary of State to American ambassador, London.

"(v) Dispatch No. 226 of August 28, 1929, from Secretary of State to American ambassador, London.

"(w) Dispatch No. 252 of August 30, 1929, from American ambassador, London, to the Secretary of State.

"(x) Dispatch No. 253 of August 30, 1929, from American ambassador, London, to the Secretary of State.

"(y) Dispatch No. 235 of August 31, 1929, from Secretary of State to American ambassador, London.

"(z) Dispatch No. 254 of August 31, 1929, from American ambassador, London, to the Secretary of State.

"(aa) Dispatch No. 255 of August 41, 1929, from American ambassador, London, to the Secretary of State.

"(bb) Dispatch No. 256 of August 31, 1929, from American ambassador, London, to the Secretary of State.

"(cc) Dispatch No. 237 of September 3, 1929, from Secretary of State to American ambassador, London.

"(dd) Dispatch No. 261 of September 3, 1929, from American ambassador, London, to the Secretary of State.

"(ee) Dispatch No. 262 of September 4, 1929, from American ambassador, London, to the Secretary of State.

"(ff) Dispatch No. 263 of September 6, 1929, from American ambassador, London, to the Secretary of State.

"(gg) General Board's first indorsement, G. B. No. 438–1 (Serial No. 1444) of August 25, 1929.

"1. In accordance with your verbal instructions, the General Board has given careful consideration to the matter in hand and submits the following:

"2. The comments of the Prime Minister contained in dispatches Nos. 254, 255, and 256 from the American ambassador, London, dated August 31, 1929, constitute a clarification of his former letter, dated August 8, 1929, contained in dispatch No. 228 of August 9, 1929, from the American ambassador, London, and make the meaning of that document clear and radically different from the interpretation previously placed upon it by the General Board."

Thereafter in this report, which is very lengthy, reference is made to the various dispatches enumerated; for instance, in paragraph 8 of the report it is stated:

"8. The General Board, in commenting upon the Prime Minister's proposal embodied in dispatch No. 228 of August 9, 1929, from the American ambassador, London, was forced to make two assumptions for the purpose of proceeding with its analysis; namely, Assumption I, that 6 cruisers totaling 25,120 tons be scrapped and replaced by 7 cruisers with no increase in tonnage; and Assumption II, that 6 cruisers totaling 25,120 tons be scrapped and replaced by 7 cruisers aggregating 45,500 tons, an increase of 20,380 tons."

Again, in paragraph 11, we find this:

"11. Dispatches Nos. 242, 252, 254, 255, 256, 262, and 263 from the American ambassador, London, setting forth proposals of the Prime Minister, now before the General Board, show that neither Assumption I nor Assumption II is correct. The outstanding difference between the previous proposals made by the Prime Minister, as interpreted by the General Board, and that of the Prime Minister now before the General Board are as follows:

"'(a) That the total tonnage proposed is neither 325,368 nor 345,746, as assumed; but that 339,000 standard tons is now proposed as the basis of cruiser strength upon which parity is to be achieved by December 31, 1936.'"

Paragraph 13 is as follows:

"13. The Prime Minister has referred specifically to Japan and to the number of 8-inch-gun cruisers which may be built by that country. The American position recognizes the right of Japan, as well as the right of the British Empire, to decide for herself the composition of her cruiser category within the tonnage limitation and age limit agreed upon. The precedent to be established by the British Empire in scrapping cruisers under 20 years of age for replacement, if followed by Japan, will make immediately available for that country additional tonnage for the construction of new 8-inch-gun cruisers should she so desire."

The Prime Minister of England is apparently quoted verbatim in paragraph 14 of this report, as follows:

"14. In dispatch No. 254 of August 31, 1929, from the American ambassador, London, the Prime Minister says:

"'I should like to explain a little more than has been done in the accompanying note what has been the result of our very thorough examination of the American proposal that for our fifteen 8-inch-gun cruisers you should have 23. The ratio 5–5–3.5, which Japan asks for, would mean that in relation to the 23 Japan could build 16, which would be (proportionately?) a superiority over us. If you fixed your 8-inch cruisers at 20, the ratio would mean that Japan could build 14. I am perfectly certain that the Dominions would reject any agreement upon that basis. If, on the other hand, you made it 18 for you Japan would build 12.6, which would be 13. In order to get a settlement we might get Japan to accept 12 and to that we would agree. Even supposing we got Japan to be content with a cruiser ratio 5–5–3, on an American strength of 23, that would mean a Japanese building of 14; at least 2 more than there is any chance of our getting our Dominions to agree to. One very important result of an agreement which would * * * Japan and ourselves to fix our actual units at 12 and 15 is that neither

of our countries, until replacement is necessary, would have to build any more 8-inch cruisers.'"

And later occurs paragraph 22 of the report, thus:

"22. The General Board, subsequent to the preparation of its recommendations as above, having been informed by the State Department that the board's interpretation of the Prime Minister's references to the use of the yardstick as contained in dispatches Nos. 252, 254, and 255 from the American ambassador, London, viz, that the yardstick be not used, is not the interpretation placed upon those remarks by the State Department, and having been further informed that the yardstick should be used in connection with the estimates upon which parity of the tonnage in the cruiser category is to be achieved, finds it necessary to submit the following further comments:"

Thereafter, when the writer had had the opportunity to examine the report thus put in evidence, a communication was addressed to the chairman of the Senate Committee on Foreign Relations on the 25th day of May, as follows:

SUNDAY, MAY 25, 1930.

Senator WILLIAM E. BORAH,

Chairman Senate Committee on Foreign Relations,

United States Senate, Washington, D. C.

DEAR SENATOR: I have assumed, of course, that the Foreign Relations Committee would desire the various documents leading up to the making of the London treaty, together with the proposals made to our country by the other parties to the treaty, and the proposals submitted by us to them. Thus far, however, the only suggestion for the desired documents, apparently, has come from myself. In order that there may be no mistake in the matter, and that it may be understood that I am desirous of having for the record such papers and documents as may be appropriate, I specifically ask for them, and particularly for the following:

(1) (s) Dispatch No. 242 of August 24, 1929, from American ambassador, London, to the Secretary of State.

(t) Dispatch No. 224 of August 28, 1929, from the Secretary of State to American ambassador, London.

(u) Dispatch No. 225 of August 28, 1929, from Secretary of State to American ambassador, London.

(v) Dispatch No. 226 of August 28, 1929, from Secretary of State to American ambassador, London.

(w) Dispatch No. 252 of August 30, 1929, from American ambassador, London, to the Secretary of State.

(x) Dispatch No. 253 of August 30, 1929, from American ambassador, London, to the Secretary of State.

(y) Dispatch No. 235 of August 31, 1929, from Secretary of State to American ambassador, London.

(z) Dispatch No. 254 of August 31, 1929, from American ambassador, London, to the Secretary of State.

(aa) Dispatch No. 255 of August 31, 1929, from American ambassador, London, to the Secretary of State.

(bb) Dispatch No. 256 of August 31, 1929, from American ambassador, London, to the Secretary of State.

(cc) Dispatch No. 237 of September 3, 1929, from Secretary of State to American ambassador, London.

(dd) Dispatch No. 261 of September 3, 1929, from American ambassador, London, to the Secretary of State.

(ee) Dispatch No. 263 of September 4, 1929, from American ambassador, London, to the Secretary of State.

(ff) Dispatch No. 263 of September 6, 1929, from American ambassador, London, to the Secretary of State.

All of these dispatches are referred to in the document placed in evidence before the Foreign Relations Committee May 16, 1930, by Senator ROBINSON of Arkansas.

(2) Original proposition or suggestion of Premier MacDonald as to the size and character of the navy Great Britain would desire in any conference which may be held.

(3) The first proposal, proposition, or suggestion made by the United States Government or its officials in respect to the size and character of the Navy desired by the United States in any conference.

(4) The first proposition submitted among the American delegates themselves prior to February 5, 1930, at London, designating the size and character of the Navy desired by the American representatives at the London conference.

(5) The proposition or statement of the size and character of the Navy desired by the representatives of the United States at London made on or about February 5, 1930, to the London conference.

(6) The first proposal or suggestion made by the representatives of Japan at the London conference to the American delegates or others, which stated the size and character of the navy desired by Japan.

(7) The last proposal or suggestion made by the representatives of Japan to the representatives of the United States as to the size and character of the navy desired by Japan.

(8) Such record as may exist showing upon what agreement, tentative or otherwise, among the United States representatives they left America for the conference.

(9) Such records as may exist of the action of the American representatives changing, modifying, or altering the original agreement, tentative or otherwise, upon which the American delegates went to the London conference.

Indeed, in view of the statements that have been made and the records that have been incorporated as a part of the evidence at the hearings, I think it entirely appropriate that all of the minutes, records, and documents pertaining to the London conference should be before the Foreign Relations Committee. It may be that some of these should be considered only in executive session, and of course I do not ask that anything which may be deemed by the committee to be a subject only for executive session shall be otherwise used; but I do think that the committee is entitled to every document, instrument, and record pertaining to the conference and the activities of our representatives there.

Sincerely yours,

(Signed) HIRAM W. JOHNSON.

Subsequently a communication was received by the chairman of the the Foreign Relations Committee on the 29th day of May, 1930, from the Secretary of State transmitting certain papers, but stating: "As all the documents transmitted herewith form a part of a strictly confidential record and contain confidential correspondence between the British Prime Minister and officials of this Government, as well as the substance of conversations of a strictly confidential character, it would be against the best interests of the United States for these documents or any portion of them to be made public, and therefore, they are transmitted to you only for such use as will assure the maintenance of their confidential character."

Thus it will be seen that, while the signers of the treaty put into the record a part of the negotiations and subsequently transmitted to the Foreign Relations Committee fragmentary parts of other papers relating to the negotiations, these fragmentary parts were sent only upon condition that they should be maintained as strictly confidential.

The Naval Affairs Committee of the Senate had been holding hearings simultaneously with those of the Foreign Relations Committee. An examination of the record there demonstrated a document had been made part of the public record which referred to various letters and communications. Not only was this document publicly put in the record of the hearings of the Senate committee, but as in the case of the document put in the record of the hearings before the Foreign Relations Committee, it was published in the press of the country.

On the 4th day of June, 1930, the following letter was addressed to the chairman of the Foreign Relations Committee:

JUNE 4, 1930.

Senator WILLIAM E. BORAH,

United States Senate, Washington, D. C.

DEAR SENATOR: I have just seen a document or series of documents which have been placed in the record in evidence by the Committee on Naval Affairs, relating to the negotiations leading up to the London treaty. The principal document, which has thus become a part of the public record, is dated August 23, 1929, and is addressed to the Secretary of the Navy, upon the designated subject "Proposals on Naval Disarmament." References are made to the following papers:

(a) State Dept. Conf. Ltr. of July 18, 1929, inclosing American Embassy's Tel. 190 of July 15 and 194 of July 16.

(b) State Dept. Conf. Ltr. of July 18, 1929, inclosing State's Tel. 180 of July 17.

(c) State Dept. Conf. Ltr. of July 22, 1929, inclosing American Embassy's Tels. 197 of July 18 and 199 of July 20.

(d) State Dept. Conf. Ltr. of July 22, 1929, inclosing State's Tel. 182 of July 21.

(e) State Dept. Conf. Ltr. of July 24, 1929, inclosing American Embassy's Tels. 201 of July 22 and 202 of July 23; and State's Tels. 186 and 187 of July 23.

(f) State Dept. Conf. Ltr. of July 28, 1929, inclosing State's Tels. 189 and 190 of July 24 and American Embassy's Tel. 204 of July 25.

(g) State Dept. Conf. Ltr. of July 29, inclosing American Embassy's Tel. 192 of July 26. G. B. No. 438–1 (Serial No. 1444).

(h) State Dept. Ltr. of July 30, 1929, inclosing American Embassy, Tokyo, Tel. 80 of July 27.

(i) State Dept. Ltr. of July 30, inclosing American Embassy's Tels. 209 of July 29 and 211 of July 30.

(j) State Dept. Ltr. of August 2, 1929, inclosing State's Tels. 194 of July 30 and 195 and 196 of July 31 and American Embassy's Tel. 58 of July 31.

(k) State Dept. Ltr. of August 2, 1929, inclosing American Embassy's Tels. 215 and 216 of August —.

(l) State Dept. Ltr. of August 5, 1929, inclosing State's Tel. 201 of August 2.

(m) State Dept. Ltr. of August 5, 1929, inclosing American Embassy's Tels. 218 of August 3, 220 of August 4, and 221 of August 5.

(n) State Dept. Ltr. of August 6, 1929, inclosing State's Tel. 206 of August 5.

(o) State Dept. Ltr. of August 7, 1929, inclosing American Embassy's Tel. 223 of August 6.

(p) State Dept. Ltr. of August 8, 1929, inclosing State's Tels. 209 of August 6 and American Embassy's Tel. 225 of August 7.

(q) State Dept. Ltr. of August 9, 1929, inclosing American Embassy's Tel. 228 of August 9.

(r) Secretary of Navy's letter of August 17, 1929, Op–13A–LMS, inclosing paraphrase of telegram dated 13 August, 1929, addressed American Embassy, London, England. Inclosures: (A) 4 Tables, I to IV, inclusive.

Obviously with the publicity given to these papers by the insertion of the said documents in the public record, there can be no valid objection to the Foreign Relations Committee having these specific papers, dispatches, telegrams, etc., and making them a part of the Foreign Relations Committee record.

The exact case is presented as well by the present record of the Foreign Relations Committee, where the signers of the treaty put into the public record a part of the dispatches passing between Great Britain and our country, the remainder of which I have asked the production of, and all of which should, after being furnished to the Foreign Relations Committee, be inserted in the public record of the committee.

I ask, please, that the State Department be requested to furnish the Foreign Relations Committee the telegrams and papers as described herein, contained in the public record now of the evidence taken before the Naval Affairs Committee. I think these should have been furnished under the original request made from the committee to the State Department. Certainly under the second request that I made, there should have been no hesitancy in sending them. Now, however, with fragments of the telegrams and communications put into the public record, and with a particular description given now of some of these dispatches, I respectfully submit that there can exist no valid reason why all letters, papers, documents, telegrams, dispatches, communications of every sort leading up to or relating to the London conference and London treaty should not be transmitted to the Foreign Relations Committee, and I very respectfully ask that this shall be done.

Sincerely yours,

HIRAM W. JOHNSON.

At the instance of Senator MOSES, of New Hampshire, the Foreign Relations Committee requested from the Secretary of State all of the papers and documents relating to the Geneva Naval Disarmament Conference of 1927. Subsequently, on the 6th day of June, 1930, the chairman of the Foreign Relations Committee received from the Secretary of State the following communication:

THE SECRETARY OF STATE,
Washington, June 6, 1930.

DEAR SENATOR BORAH: I am in receipt of your letter of June 3 requesting, on behalf of the Committee on Foreign Relations, certain papers relative to the Geneva conference of 1927. I am also in receipt of your favors of June 3 and June 4, transmitting copies of letters of Senator JOHNSON of the same dates, respectively, in which he makes certain inquiries and also asks for certain confidential telegrams of the department and also for "all letters, papers, documents, telegrams, dispatches, and communications of every sort leading up to or relating to the London conference and London treaty."

I am sending you by hand a set of all of the records of the conference for the limitation of naval armament held at Geneva in 1927, which have been made public. I am also sending you a confidential memorandum which will answer as far as possible the questions contained in Senator JOHNSON's letter of June 3. Respecting the other papers called for, I am directed by the President to say that their production would not in his opinion be compatible with the public interest. These requests call for the production and possible publication of informal and confidential conversations, communications, and tentative suggestions of a kind which are common to almost every negotiation and without which such negotiations can not successfully be carried on. If the confidence in which they were made to the American delegation in London is broken, it would materially impair the possibility of future successful negotiations between this Government and other nations. The necessity of preserving such confidences was made clear by President Washington at the very beginning of this Government. In reply to a resolution of the House of Representatives of March 24, 1796, he said:

"The nature of foreign negotiations requires caution and their success must often depend on secrecy; and even when brought to a conclusion a full disclosure of all the measures, demands, or eventual concessions which may have been proposed or contemplated would be extremely impolitic; for this might have a pernicious influence on future negotiations or produce immediate inconveniences, perhaps danger and mischief, in relation to other powers."

Both the Secretary of the Navy and I have been before your committee and have been examined at length. Officers of the Navy have also freely given their views to your committee. Moreover, two members of your committee were members of the American delegation at London and are familiar with every phase of the negotiations from beginning to end, and stand ready to make their knowledge available to interested members of your committee. The question whether this treaty is or is not in the interest of the United States and should or should not be ratified by the Senate must in the last event by determined from the language of the document itself and not from extraneous matter. There have been no concealed understandings in this matter, nor are there any commitments whatever except as appear in the treaty itself and the interpretive exchange of notes recently suggested by your committee, all of which are now in the hands of the Senate.

Very respectfully,

(Signed) HENRY L. STIMSON.

The Hon. WILLIAM E. BORAH,
United States Senate.

In answer to this letter from the Secretary, the writer issued the following statement:

"STATEMENT BY UNITED STATES SENATOR HIRAM W. JOHNSON

"SATURDAY, JUNE 7, 1930.

"The power of the President to negotiate treaties is derived from the Constitution, which says:

"'He shall have power by and with the advice and consent of the Senate to make treaties, provided two-thirds of the Senators present concur.'

"In the making of treaties, therefore, the duty of the Senate is as important and solemn as that of the President. Apparently this is forgotten in the present discussion. The Secretary of State goes back to the famous Washington message of 1796 and quotes it as follows:

"'The nature of foreign negotiations requires caution and their success must often depend on secrecy; and even when brought to a conclusion a full disclosure of all the measures, demands, or eventual concessions which may have been proposed or contemplated would be extremely impolitic; for this might have a pernicious influence on future negotiations or produce immediate inconveniences, perhaps danger and mischief, in relation to other powers.'

"This message was to the House of Representatives, not to the Senate. The point then at issue has been misunderstood by the Secretary of State and his quotation by a singular oversight stops short of what makes plain Washington's meaning. Immediately following the quotation, Washington's message proceeds:

"'The necessity of such caution and secrecy was one cogent reason for vesting the power of making treaties in the President, with the advice and consent of the Senate, the principle on which that body was formed confining it to a small number of members. To admit, then, a right in the House of Representatives to demand and to have as a matter of course all the papers respecting a negotiation with a foreign power would be to establish a dangerous precedent.

"'* * * I repeat that I have no disposition to withhold any information which the duty of my station will permit or the public good shall require to be disclosed; and in fact, all the papers affecting the negotiation with Great Britain were laid before the Senate when the treaty itself was communicated for their consideration and advice.'

"Thus, it will be observed that the denial of the papers by President Washington was to the House of Representatives, which was not a part of the treaty-making power, but that all the papers and documents were laid before the Senate, which was a part of the treaty-making power.

"May I commend to the very able representative of the State Department the study of the controversy between the House of Representatives and the President, which arose in relation to the Jay treaty, and which has been a source of debate among statesmen and comment among historians and writers from the time of Washington to the present? The question there was not at all like that here involved.

"I might add the Foreign Relations Committee has ever in the past jealously guarded such confidential information as has been transmitted to it, and to-day, as in days gone by, if it be compatible with the public interest to maintain as confidential some State documents upon which the treaty was founded, the Foreign Relations Committee and the Senate itself will, of course, maintain that confidence inviolate.

"In the case of the London treaty a very different proposition is presented, that either lawyer or layman can readily understand. In the hearings before the Foreign Relations Committee the signers of the treaty themselves introduced into the public record a document wherein the premier of Great Britain is quoted most intimately concerning the negotiations, and the contents of various dispatches between the British Government and our own are discussed and referred to. When the signers of the treaty saw fit thus not only to introduce in evidence but to make public a part of the telegrams and communications passing between the British Government and our own, the Foreign Relations Committee at once were entitled to all the details and everything relating to the subject matter. It is silly, and worse, for any individual to contend that he can put into the public record and publish broadcast in the press of the country a part of the correspondence bearing upon the treaty and then, holding up his hands in holy horror at a request for all of the correspondence, pretend that while a part of the record, upon which he relies, may be by him given to the public, the giving of all of it to his partner in treaty making would be incompatible with the public interest.

"This is the question that is at issue in the demand that I have made for the papers relating to the London treaty, and it can not be avoided by a half quotation from Washington, which is utterly set at naught by the full context, nor by any pretense of safeguarding delicate international secrets."

The question of the right of the Foreign Relations Committee to the papers, documents, and communications used in the negotiation and consummation of the treaty was discussed in a regular meeting of the Foreign Relations Committee, and finally, after full consideration, the following resolution was passed by the committee:

"Whereas this committee has requested the Secretary of State to send to it the letters, minutes, memoranda, instructions, and dispatches which were made use of in the negotiations prior to and during the sessions of the recent conference of London; and

"Whereas the committee has received only a part of such documents; and

"Whereas the Secretary of State, by direction of the President, has denied a second request from this committee for all of the papers above described; and in his letter to the chairman of this committee has apparently attempted to establish the doctrine that the treaty of London must be considered by the Senate 'from the language of the document itself and not from extraneous matter': Therefore be it

"*Resolved*, That this committee dissents from such doctrine and regards all facts which enter into the antecedent or attendant negotiations of any treaty as relevant and pertinent when the Senate is considering a treaty for the purpose of ratification, and that this committee hereby asserts its right, as the designated agent of the Senate, to have free and full access to all records, files, and other information touching the negotiation of any treaty, this right being based upon the constitutional prerogative of the Senate in the treaty-making process; and be it further

"*Resolved*, That the chairman of this committee transmit a copy of these resolutions to the President and to the Secretary of State."

A response was made by the Secretary of State to the resolution of the Foreign Relations Committee, as follows:

THE SECRETARY OF STATE,
Washington, June 12, 1930.

DEAR SENATOR BORAH: I have received your favor of to-day transmitting a copy of a resolution of the Committee on Foreign Relations in respect to letters and documents in the recent negotiations of the naval treaty.

I did not, in my letter to you of June 6, attempt to define the duties of the Senate or the scope of its power in passing upon treaties. My statement in that letter that "the question whether this treaty is or is not in the interest of the United States and should or should not be ratified by the Senate must in the last event be determined from the language of the document itself and not from extraneous matter," was intended to call attention to the fact that the obligations and rights arising from the treaty, as in the case of any other contract, must be measured by the language of the document itself.

Very respectfully,

HENRY L. STIMSON.

Thereafter the writer moved in the Foreign Relations Committee that until the production of the documents and communications in accordance with the resolutions passed by the Foreign Relations Committee action upon the treaty be deferred. The committee, however, defeated this motion by a vote of 16 to 4.

In the course of the discussion before the Foreign Relations Committee respecting the papers and documents the Senator from Pennsylvania, Mr. REED, stated that he had full copies which he would permit any member of the Foreign Relations Committee to see in confidence, but which could not be in any fashion referred to nor used in discussion of the terms of the treaty.

The writer refused to accept any such offer and asserted the right of any Senator to be as full and complete as that of the Senator from Pennsylvania—to read and see and have all data relating to the treaty, to discuss that deemed appropriate and fitting with his fellows and, in conjunction with the terms of the treaty, to use with due circumspection and propriety, either in open session or, if deemed advisable, executive session of the Senate, all matter pertinent to the provisions of the treaty.

After this Senate shall have passed from recollection and another Foreign Relations Committee shall sit the matter of the right of the Foreign Relations Committee and the Senate to data bearing upon a treaty, doubtless, again will be a matter for consideration and determination. It is because of this and that what transpired in respect to the London treaty may be preserved, and the precedent, if any, established by the incident may be accurately understood, that this statement of facts is annexed to the views of the minority.

MEMORANDUM

While concurring generally with the conclusions reached by my associates in the Committee on Foreign Relations who have signed a minority report upon the London naval treaty I wish particularly to record my dissent to the proceedings with reference to this treaty by reason of what I regard as the indecent haste with which its consideration is being pressed.

It is now nearly a year since the initial steps were taken for the negotiation of this treaty; and the delegates to the London conference consumed 14 weeks in formulating the instrument.

We are asked to pass upon it without sufficient time to study its provisions and under the handicap of being denied information which it is our constitutional right to possess.

Accordingly, I can not assent to the program thus presented.

GEORGE H. MOSES.

VIEWS OF SENATOR SHIPSTEAD, OF MINNESOTA, ON THE LONDON NAVAL TREATY (REPT. 1080, PT. 1)

Mr. McKELLAR. Mr. President, I ask unanimous consent to have printed in the RECORD the report of the individual views of the senior Senator from Minnesota [Mr. SHIPSTEAD] on the limitation and reduction of naval armaments.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

[S. Rept. No. 1080, pt. 1, 71st Cong., 2d sess.]

LIMITATION AND REDUCTION OF NAVAL ARMAMENT

Mr. SHIPSTEAD, from the Committee on Foreign Relations, submitted the following individual views (to accompany Executive I):

TREATY-MAKING POWERS OF THE SENATE

On June 12, 1930, the Senate Committee on Foreign Relations adopted the following resolution:

"Whereas this committee has requested the Secretary of State to send to it the letters, minutes, memoranda, instructions, and dispatches which were made use of in the negotiations prior to and during the sessions of the recent conference of London; and

"Whereas the committee has received only a part of such documents; and

"Whereas the Secretary of State, by direction of the President, has denied a second request from this committee for the papers above described, and in his letter to the chairman of this committee has apparently attempted to establish the doctrine that the treaty of London must be considered by the Senate 'from the language of the document itself and not from extraneous matter': Therefore be it

"*Resolved*, That this committee dissents from such doctrine and regards all facts which enter into the antecedent or attendant negotiations of any treaty as relevant and pertinent when the Senate is considering a treaty for the purpose of ratification, and that this committee hereby asserts its right, as the designated agent of the Senate, to have full and free access to all records, files, and other information touching the negotiations of the treaty, this right being based on the constitutional prerogative of the Senate in the treaty-making process; and be it further

"*Resolved*, That the chairman of this committee transmit a copy of these resolutions to the President and the Secretary of State."

On June 12 the Secretary of State transmitted the following reply to Senator BORAH, chairman of the Committee on Foreign Relations:

THE SECRETARY OF STATE,
Washington, June 12, 1930.

DEAR SENATOR BORAH: I have received your favor of to-day transmitting a copy of a resolution of the Committee on Foreign Relations in respect to letters and documents in the recent negotiations of the naval treaty.

I did not, in my letter to you of June 6, attempt to define the duties of the Senate or the scope of its powers in passing upon treaties. My statement in that letter that "the question whether this treaty is or is not in the interest of the United States and should or should not be ratified by the Senate must in the last event be determined from the language of the document itself and not from extraneous matter" was intended to call attention to the fact that the obligations and rights arising from the treaty, as in the case of any other contract, must be measured by the language of the document itself.

Very respectfully,

HENRY L. STIMSON.

Accordingly, as a member of the Foreign Relations Committee, and in connection with the committees' action in reporting the treaty of London, I beg to call attention to certain clauses and implications in the letters of the Secretary of State declining to grant the request of the Committee on Foreign Relations for subject matter embraced in papers prior to and during negotiations of the proposed treaty of London, including "letters, minutes, memoranda, instructions, and dispatches" relevant and pertinent to the Senate's consideration of the proposed treaty for the purposes of ratification.

The Secretary of State takes the position that the needs of the Senate are satisfied by perusal of "the language of the document itself"; and he reaches the gratuitous conclusion that pertinent and relevant subject matter entering into or leading up to the negotiation is "extraneous matter" not necessary to the Senate's consideration.

The Secretary further implies, in his words, "scope of its powers in passing upon treaties" that the Senate is not a component part of the coordinate treaty-making power, but is limited to "passing upon treaties."

His position, therefore, would seem to be that a proposed treaty, or treaty form, is per se a treaty, before the Senate, as coordinate and

coequal treaty maker in conjunction with the Executive, and that the Senate has considered the document and given its "advice and consent" by two-thirds vote, as provided in the Constitution.

The Secretary of State rightly speaks of a treaty as a "contract." But, in his well-recognized position as an attorney at law, has he forgotten that well-known rule of law, that "suppressio veri," or concealment of material facts from the knowledge of one of the contracting parties, vitiates a contract?

The Supreme Court of the United States classifies a treaty as part of "the law of the land." Under the Constitution no "law of the land" is enacted solely by Executive action. "Advice and consent" of two-thirds of the Senate is required to make a treaty the "law of the land"; whereas, only a bare majority of the Senate suffices for the passage of an ordinary statute.

Treaty making is a sovereign power. It is one of the highest sovereign powers which a nation can possess. No people having serious regard for the public safety, for national perpetuity, for the protection of their boundaries, or for the lives of their sons can afford to misunderstand, forget, or regard lightly their treaty-making powers.

The present public need of a clear understanding of the treaty-making powers of the 120,000,000 people of the 48 States, especially with relation to powers entrusted to the Senators of the respective States, is well illustrated by an editorial leader of the Washington Post of June 18, 1930, which I beg herewith to reprint—the italics being mine:

"THE TREATY-MAKING POWER

"Addressing the graduating class of Juniata College during the commencement exercises at that institution recently Henry P. Fletcher, former ambassador to Italy, took occasion to suggest to his hearers that they consider whether or not it would be advisable to amend the rules and regulations of Congress so as to provide for the participation of members of the Cabinet in the debates. No amendment to the Constitution would be necessary to assure the participation of these officials in the deliberations of either the House or Senate.

"Mr. Fletcher sees in the growing custom of appointing Senators on diplomatic commissions, such as that which recently negotiated the naval treaty, a recognition of the necessity for something like participation on the part of the President's official family in the consideration of such measures in the Senate. Like other men who have held diplomatic positions, the *former ambassador appears to think that a treaty is more or less sacred and should not be subject to emasculation or amendment in the Senate* without giving the Secretary of State, who is the medium of negotiation between foreign governments and their representatives on the one hand and the United States on the other, full opportunity to appear on the floor of the Senate to defend the action of his department in the framing of the agreement.

"You might profitably stop to consider in this connection the *treaty-making or rather treaty-making power of the Senate,*" said Mr. Fletcher. Then he spoke of the interest which the States had in treaty making, when most of such conventions had to do with the relationship between the Federal Government and the Indian tribes. "State interests were more individualistic then, but in the course of 150 years these individual *interests of States, as States, in our foreign affairs have almost entirely disappeared.*"

"Mr. Fletcher called attention to the fact that instead of inviting the Secretary of State to explain a treaty on the floor of the Senate he is admitted only to the Committee on Foreign Relations, and not always is he invited even thus far. The treaty-making power, said Mr. Fletcher, is given in effect to 33 *"supermen" who happen to be Senators, "but who are not, in any single case, elected because of their special knowledge of or interest in foreign affairs."*

"This arrangement strikes Mr. Fletcher as a negation of democracy. But it may be argued that the *makers of the Constitution were not trying to set up a democracy.* Perhaps they thought that democracy had been allowed all that was safe to grant in other parts of the Constitution."

The above editorial signifies that public misapprehension of the treaty-making powers as provided in the Constitution may extend even to editors and ambassadors. It is common to find such misapprehension of the American treaty-making power in press columns and diplomatic utterances abroad. It is more serious when we find this misapprehension at home.

EXCHANGE OF NOTES AS VITAL SUBJECT MATTER

Before entering into a discussion of constitutional provisions and an historical outline of the practice of our Presidents and Senates, I wish, first of all, to call attention to the vital import of note exchanges and related collateral evidence regarding the meaning and purpose of a treaty.

The necessity of the Senate to have before it, in performance of its constitutional function as coordinate treaty maker, the exchange of notes leading up to and entering into the negotiations, as well as have full and free access to all relevant subject matter, is plain when we take into consideration:

1. That international agreements may be negotiated without any treaty, simply by exchange of notes—a fact demonstrated by scores of instances both in our history and in that of every nation.

2. The first naval armament negotiation of the United States, that between this country and Great Britain in 1818, regarding the navy on the Great Lakes, during the Monroe administration, was by exchange of notes, without treaty, and President Monroe set up the first American precedent of negotiation on naval armament when he transmitted all exchanges of notes and all other papers relevant to the case with his message to the Senate. And Monroe's ultimate proclamation of the treaty was based on the Senate's "advice and consent" after study of the papers.

3. A treaty may be general in form, the concrete application being defined in notes in which particular exceptions are specified.

4. The controlling purpose of a treaty may not be clear, unless it is read in the light of the antecedent and attendant notes and diplomatic understandings.

5. Exchanges of notes, "confidential" and "secret" understandings, are among the most fruitful causes of war—as was the case in the recent World War. Also, they are fruitful causes of boundary disputes, misunderstandings over shipping and fishery rights—and are the productive cause of what is known as "paper treaties."

6. In short, it is American law and international law that the contracting treaty parties—of which under the Constitution the Senate by its required two-thirds vote is a coequal in making all American treaties—shall have complete power over the subject matter. We shall find that to be the holding of our leading American authorities when we come to consult, as I do later, such authorities as Moore's Digest of International Law, by the international jurist, John Bassett Moore; Treaties, Their Making and Enforcement, a leading textbook by Judge Crandall; The Treaty Making Powers of the Senate, by Henry Cabot Lodge, for many years a member of the Senate Foreign Relations Committee.

7. Withholding of material subject matter, such as exchanges of notes, instructions and dispatches, protocols of the proceedings of the negotiators, indeed, the existence in itself of "confidential" and "secret" documents not communicated to a contracting party, such as the Constitution has made the Senate, constitutes what in contract making is termed "suppressio veri," which legally vitiates a contract and morally invalidates a treaty.

We shall see, as we go over the history of American treaty cases—the precedents set by the early Presidents: Washington, Adams, Jefferson, Madison, and Monroe, and followed by Jackson, Polk, Lincoln, Grant, Cleveland, and other successors—that it is a well-established American custom, dating from the time of the framers of the Constitution, for the Executive who shares the coordinate treaty-making power with the Senate to acquaint the Senate with the complete diplomatic record. Indeed, it was the uniform practice of the early Presidents to lay all available subject matter before the Senate prior to negotiation in order to secure the Senate's "advice" in advance. Later practice was to transmit the papers with the treaty message, or sometimes in advance of the message. But there appears to be no American precedent of a refusal on the part of the Executive to transmit to the Senate, his partner and coequal in treaty making, any subject matter deemed by the Senate essential to consideration in rendering its required "advice and consent."

WHERE THE NEGOTIATION RELATES TO PEACE OR WAR

Congress, under the Constitution, has the sole power to declare war. Therefore, it has been the almost universal custom of American Presidents, if they judged the issue bore any relation to possible differences involving war, to lay the matter, including papers, before the Senate—frequently prior even to negotiations.

That was done by President Monroe in the naval armament negotiation of 1818 in the British settlement with regard to the Great Lakes.

President Jackson sought the prior advice of the Senate with regard to settlement of difficulties with the Indian tribes.

President Polk laid the whole subject, with all note exchanges and other relevant papers, before the Senate in the settlement of the Oregon boundary question with Great Britain—submitting all data prior to negotiation, and on the ground that, as Congress had the sole power of declaring war, there should be complete harmony of purpose between the executive and legislative branches of Government before entering upon a negotiation that might lead to belligerent conditions.

Presidents Lincoln and Grant followed the precedents of Monroe and Polk on several occasions. General Grant, when President, was one of the most scrupulous of all Presidents on the point that any proposed negotiation, even a treaty of arbitration with Great Britain, that might involve belligerent possibilities, should first be laid before the Senate for its advice, and that the Senate should be provided with all papers prior to the instituting of negotiations.

In the North Atlantic Fisheries case, which hardly could be said to involve a question of war, President Cleveland directed Secretary Bayard to transmit all notes to the Senate, even three years prior to any direct negotiation.

ORIGIN OF NEGOTIATION BY NOTE EXCHANGES

It is not difficult to understand the origin of the Old World custom of negotiation by exchange of diplomatic notes. Up to the early part of the eighteenth century it was the European custom to write treaties

in Latin. (See Moore's Digest of International Law, vol. 5, p. 180.) Exact knowledge of what the treaty meant, the concrete particulars of the treaty's application, were supplied by exchange of notes written in a language which the writer and reader understood.

When Latin ceased to be used in treaty writing, French became the diplomatic language. When Benjamin Franklin, in 1785 (Moore's Digest, idem), transmitted to Congress a consular convention with France, John Jay remarked that it appeared to be in French, and he observed that it seemed expedient "to provide that in the future every treaty or convention which Congress may think proper to engage in should be formally executed in two languages," one of which should be "the language of the United States."

The Old World custom of couching treaties in terms and in a language not readily understood by the lay world may partly have been inspired by the following condition: The treaty was a contract between two monarchs. It was not presumed to be understood by the "subjects," who might lose their lives and property in war by reason of the offensive or defensive alliances provided for in the treaty. To avoid the contingency of the treaty being so plainly understood as to cause popular uprisings, the treaty was written in Latin and French and in diplomatic terms. Therefore, exchange of notes became highly essential to a concrete understanding of the purpose and application of a treaty.

Much of the public language used in high places to-day requires exchange of notes, diplomatic conversations, telegrams, letters, and sundry memoranda, to arrive at the precise application and significance of the general terms employed.

SOURCE OF THE TREATY POWER IN THE UNITED STATES

When the American Revolutionists threw off their British allegiance and formed the new Republic, the people of the 13 States became the sovereign who exercised the treaty power. Prior to the Constitution, Congress made the treaties—each State having one vote in making and ratifying. Under the Confederation, the vote of 9 of the 13 States was necessary to approve a treaty. It was deemed essential to insure that a minority of the States should not be able to bind the majority. (Vide Henry Cabot Lodge, the Treaty-making Powers of the Senate, Scribner's Magazine, January, 1902; John W. Foster, former Secretary of State, the Treaty-making Power Under the Constitution, Yale Law Journal, December, 1901.)

Congress exercised the sole treaty-making power of the United States in approving all the first treaties in the founding of the Nation. It named the commissioners—John Jay, John Adams, and Benjamin Franklin—who negotiated the treaty of peace, 1783, for terminating the war with Great Britain, establishing the boundaries, and acquiring the territory of the original 13 States. Congress reviewed the work of the commissioners and ratified the treaty.

Prior to the Constitutional Convention of 1787, Congress consummated treaties with the various powers of Europe—Great Britain, France, Prussia, Austria, Russia, Netherlands, Sweden, and the rest—covering a wide range of subjects, as, amity and commerce, navigation, loans, duties and imposts, contraband of war, most-favored-nation treatment, maritime warfare rules, shipping, prizes, ports, pirates, visitation and search, letters of marque and reprisal, courts abroad, and postal conventions. Each State had one vote in making and ratifying the treaty—nine States necessary for ratification. (Vide: Crandall, Samuel Benjamin, Treaties—Their Making and Enforcement, ch. 3, pp. 24–30.)

This democratic mode of treaty making was something new to Old World diplomacy, wherein the kings, not the people, were the contracting parties. On the occasion of the treaty of May 12, 1784, ratified with Great Britain, Crandall's textbook (p. 32) contains this reference:

"In the instrument of ratification as adopted by Congress, there seemed to the British Government to be a want of form, wherein the United States was mentioned 'before His Majesty, contrary to the established custom in every treaty in which a crowned head and a republic were parties.'"

So many kings, emperors, czars, and kaisers have been abolished in Europe since that day, especially since the World War, which was due to this same Old World diplomacy, that treaty making by a republic no longer causes distress of "Majesty" because of "want of form." In that excellent Senate Document No. 26, Sixty-sixth Congress, first session, Ratification of Treaties, compiled by Griffin, and reported by the Senator from New Hampshire [Mr. MOSES], June 5, 1919, we find this reference in the introduction:

"The change in the form of government in Germany naturally changes the conditions of ratification in that country. The method followed in the past is modified by transferring the ratifying power from the crown to the legislature."

No longer does a German treaty begin with the words: "Wir Wilhelm von Gottes Gnaden Deutscher Kaiser," but the new sovereign, the people of Germany, give treaty sanction pursuant to the American plan now established as a world model these 148 years.

TREATY MAKING ON ADOPTION OF THE CONSTITUTION

Prior to 1787 treaty sanction was by vote of 9 of 13 States.

After 1787 treaty sanction was by "advice and consent" of two-thirds of the Senators of the States. The Executive was added to the Senate two-thirds as a coordinate and coequal of the joint treaty-making powers of the United States.

In the original draft of the treaty clause as adopted by the Constitutional Convention the Senate, as directly representing the States, was given the sole treaty-making function. The obvious necessity of an executive negotiator, however, prompted the committee on detail to add the name of the President, who was to conduct the negotiations by "advice and consent" of two-thirds of the Senate. A bare majority of the Senate was deemed by the framers of the Constitution as insufficient in making a treaty "the law of the land." The vote of nine-thirteenths of the States was required prior to 1787, and the vote of two-thirds was provided thereafter—insuring that no minority of States could bind the majority. (Vide: Lodge, the Treaty-Making Powers of the Senate, pp. 35–36; Id. Crandall, Treaties, Their Making and Enforcement, ch. 4.)

Senator Lodge makes this comment on the addition of the President to the treaty-making function which had been formerly in the sole hands of the States through their representatives in Congress (p. 36):

"This was an immense concession by the States, and they had no idea of giving up their ultimate control to a President elected by the people generally. Here, therefore, is the reason for the provision of the Constitution which makes the consent of the Senate by a two-thirds majority necessary to the ratification of any treaty projected or prepared by the President. The required assent of the Senate is the preservation to the States of an equal share in the sovereign power of making treaties which before the Constitution was theirs without limit or restriction."

After reviewing instances, from Washington down to Lincoln, wherein the Executive and Senate in performance of their coordinate function had joined in making the treaties of the Republic, Senator Lodge (p. 37) adds the following conclusion:

"The right of the Senate to share in treaty making at any stage has always been fully recognized, both by the Senate and the Executive, not only at the beginning of the Government, when the President and many of the Senators were drawn from the framers of the Constitution and were, therefore, familiar with their intentions, but at all periods since."

This statement was made in 1902. It seems to have been good since that day—unless possibly the consideration of the present naval armament negotiation.

WASHINGTON'S INTERPRETATION OF THE TREATY CLAUSE

General Washington was the presiding officer of the Constitutional Convention of 1787. He knew personally the Constitution's framers and their intentions. His Cabinet, his ministers and ambassadors abroad, the Senate with whom he joined in treaty making, were largely drawn from the framers of the Constitution.

Washington set the Executive precedent for American treaty making for these 140 years—treaty making under the provisions of the Constitution. We one and all do Washington lip service. Shall our works continue to measure up to our words?

Consulting our authorities—Moore, Crandall, Lodge, Foster—indeed, consulting the now world-known record of the Washington administration, we find that Washington interpreted the "advice and consent" clause to mean: (1) Senate "advice" prior to negotiation; (2) Senate "consent" at all stages of negotiation, with the final seal of ratification.

All subject matter in Washington's possession was laid by him before the Senate for consideration and for their "advice" prior to negotiation and for their "consent" by ratification thereafter. In all particulars, "at every stage," the Executive and Senate were the coordinate treaty makers.

Until the Senate has duly considered the negotiation and passed upon the treaty document, says Lodge (p. 34):

"The treaty, so-called, is therefore inchoate, a mere project for a treaty, until the consent of the Senate has been given to it."

In obtaining Senate "advice" prior to negotiation, Washington first tried the plan of visiting the Senate in person. Maclay (see Crandall's textbook, p. 67) describes the incident:

"The President was introduced, and took our President's chair. He rose and told us bluntly that he had called on us for our advice and consent to some propositions respecting the treaty to be held with the southern Indians."

Washington was accompanied by General Knox, who was familiar with Indian affairs and prepared to answer Senate questions. There appeared to be seven specific questions involved. The Senate took the papers and oral testimony under advisement and voted, affirmatively or negatively, on the seven points of proposed negotiation, at its following Monday session.

Transmission of papers prior to negotiation was deemed thereafter to be the more practicable method of Executive and Senate cooperation. Crandall (p. 68, Id.) cites the Journal record for Washington's special messages seeking Senate advice in opening Indian negotiations, as of August 4, 1790, August 11, 1790, January 18, 1792, wherein the Senate voted advice and consent prior to negotiation.

On February 9, 1790, the record shows that Washington was awaiting Senate advice in negotiating a boundary treaty with Great Britain.

May 8, 1792, he inquired for Senate advice in negotiating a proposed treaty with Algiers for payment of ransom and peace money.

Secretary of State Jefferson, April 1, 1792, advised Senate consultation for validating such treaty.

Navigation on the Mississippi was the subject of the President's consulting with the Senate, January 11, 1792, with regard to instructing Chargés d'Affaires Carmichael and Short to negotiate with Spain at Madrid.

On February 14, 1791, the business of the mission of Gouverneur Morris to Great Britain was laid before the Senate, and on various dates during 1794 the Senate received communications with regard to the so-called Jay treaty with Great Britain.

Says Crandall (p. 70, id.):

"These first attempts of the Executive to follow out the clear intention of the framers of the Constitution, in consulting the Senate prior to the opening of negotiations, have been followed only in exceptional instances."

Crandall (Treaties, Their Making and Enforcement, pp. 67–72, Ch. VI, Advice and Consent of the Senate) enumerates about 30 instances where the Executive consulted with the Senate for advice prior to negotiation. The citations range from 1790 to 1884, and the Presidents seeking Senate advice prior to negotiation include Washington, Adams, Jefferson, Madison, Monroe, Jackson, Polk, Buchanan, Lincoln, Johnson, Grant, and Arthur. Senator Lodge cites other instances (pp. 37–42, the Treaty-Making Powers of the Senate), in all about 40, and says:

"From these various examples it will be seen that the Senate has been consulted at all stages of negotiations by Presidents of all parties, from Washington to Arthur" (p. 42, id.).

Among the Presidents who notably and more commonly adopted the practice of consulting the Senate prior to negotiation were Washington, Monroe, Jackson, Polk, Lincoln, and Grant. It will be noted that they are 2-term Presidents, whose names stand out preeminently in the Nation's history.

Ordinarily, where the issue of peace or war is not involved, or the protection of the national boundary, the question may not be of such moment as to call for executive consultation with the Senate prior to negotiation. Nevertheless, it is interesting to note, in the textbook most frequently cited by our international jurist, John Bassett Moore, namely, Crandall's work, this passage: "The clear intention of the framers of the Constitution, in consulting the Senate prior to the opening of negotiations." It is obvious that when a President consults the Senate prior to negotiation, he lays before them the pertinent and relevant subject matter for their consideration in giving advice.

MONROE PRECEDENT IN THE NAVAL ARMAMENT CASE OF 1818

Turning to Moore's International Law Digest, by John Bassett Moore, pages 214–215, volume 5, we read under the head, Exchange of Notes:

"The arrangement between the United States and Great Britain of April 28–29, 1817, was effected by an exchange of notes between Mr. Bagot, British minister at Washington, and Mr. Rush, Secretary of State. Orders were at once given to the proper executive officers of the two governments for its execution.

"April 6, 1818, President Monroe, apparently out of abundant caution communicated the correspondence to the Senate. (American State Papers, For. Rel. IV, 202.)

"The Senate, on the 16th day of the same month, by a resolution in which two-thirds of the Senators present concurred, 'approved and consented to' the arrangement, and, 'recommended that the same be carried into effect by the President.' The President proclaimed the arrangement April 28, 1818."

Outstanding in this brief citation one can not fail to note the following plain signs:

(1) That "exchange of notes" may be the res gestae of the negotiation, even in a naval armament agreement.

(2) That when the spirit of the Constitution is followed and the Executive deals frankly and promptly with his copartner, the Senate, in the proposed negotiation, the entire transaction goes through in complete harmony and dispatch.

(3) In a matter involving peace or war—the latter being a subject over which Congress has the declaratory power—it was the early view of the White House, in the case of a President so thoroughly American as James Monroe, author of our Monroe doctrine, that the Senate should have before it all relevant papers, even prior to negotiation.

Thus handled, the first American naval armament negotiation was completed within the brief space of 30 days—an excellent example of American efficiency and simplicity, when the clear intent of the Constitution framers is carried out without concealment or evasion.

John Bassett Moore alludes to President Monroe's "abundant caution." One might well add to that Monroe's abundant Americanism. His Americanism was so broad and thorough that the period of the Monroe administration is alluded to in American history as the "Era of peace," when party dissent faded out until only one political party remained in the field, all followers of the Monroe American idea.

HOW POLK HANDLED THE OREGON BOUNDARY ISSUE OF 1846

The Oregon boundary question was one fraught with possible international consequences in our relations with the United Kingdom. President Polk, on June 10, 1846, laid the entire matter, with all papers, before the Senate.

In his message accompanying the papers he called attention to American precedent:

"General Washington repeatedly consulted the Senate and asked their previous advice upon pending negotiations with foreign powers, and the Senate in every instance responded to his call by giving their advice to which he always conformed his action * * *. The Senate are a branch of the treaty-making power, and by consulting them in advance of his own action upon important measures of foreign policy which may ultimately come before them for their consideration, the President secures harmony of action between that body and himself. The Senate are, moreover, a branch of the war-making power, and it may be eminently proper for the Executive to take the opinion and advice of that body in advance upon any great question which may involve in its decision the issue of peace or war."

This message, with accompanying papers, was transmitted to the Senate on June 10. The treaty (two-thirds of the Senate concurring) was signed June 15, submitted to the Senate, and ratified. In like expeditious manner the Senate cooperated with the Executive, August 4, 1846, in territorial negotiations with Mexico.

LINCOLN FOLLOWED THE PRECEDENT OF WASHINGTON

Senator Lodge (p. 41 of his review) cites six instances wherein President Lincoln followed the early example of Washington, Monroe, and Polk, and consulted the Senate for advice and consent prior to negotiation and pending the same.

On March 16, 1861, Lincoln's first message to the Senate asked for the Senate's advice and consent with respect to three questions looking toward a proposed negotiation for arbitration with Great Britain.

December 17, 1861, he submitted to the Senate a draft of a convention sought by Mexico, and sought advice upon it before ratification.

January 24, 1862, he asked for Senate advice before negotiating a loan with Mexico.

February 25, 1862, the Senate by resolution advised against the Mexican loan under certain contingencies, and on June 23, 1862, Lincoln submitted a message with a revised plan.

March 5, 1862, Lincoln's message dealt with advice on the Paraguayan award.

February 5, 1863, Lincoln suggested a Senate amendment of the proposed arbitration convention with Peru.

GRANT FOLLOWS MONROE AND POLK ON PEACE QUESTIONS

Three instances where President Grant laid the subject matter before the Senate prior to negotiation are cited by Senator Lodge (pp. 41–42).

April 5, 1871, Grant laid before the Senate a dispatch from the minister to Hawaii for Senate information and advice.

The most important case was that relating to differences with Great Britain under the treaty of Washington, and proposed arbitration thereof. Grant's message to the Senate, May 13, 1872, relating to the adoption of an article proposed by Great Britain, said:

"The Senate is aware that consultation with that body in advance of entering into agreements with foreign states has many precedents. In the early days of the Republic General Washington repeatedly asked their advice upon pending questions with such powers. The most important precedent is that of the Oregon boundary treaty in 1846.

"The importance of the results hanging upon the present state of the treaty with Great Britain leads me to follow these former precedents and to desire the counsel of the Senate in advance of agreeing to the proposal of Great Britain."

SENATE AMENDMENTS OF PROPOSED TREATIES

Up to 1900 Senator Lodge (pp. 42–43, id.) lists 68 treaties amended by the Senate.

Up to the present date, June, 1930, possibly 100 treaties have been amended by the Senate prior to ratification.

As to the significance of the Senate's treaty-making powers in this regard, these conclusions are obvious:

(1) The Senate amendment in itself is a continuance of the treaty-making negotiations begun by the Executive.

(2) The consideration of the merits of the proposed negotiation for the purposes of amending and perfecting the treaty document presupposes full and free command of the subject matter of the proposed treaty.

(3) No Executive has ever questioned the power of the Senate to amend a treaty—which implies that no logical reason exists for withholding papers relevant to the Senate's function in treaty amendment.

PRESIDENT CLEVELAND IN THE FISHERIES CASE OF 1888

Two modern precedents were set in the handling of the dispute with Great Britain in the North Atlantic fisheries case, settled by treaty in 1888.

Secretary Bayard (Foreign Relations, 1885, 460) in 1885 transmitted to the Senate the note exchanges that had superseded the terminated fishing articles of the treaty of 1871. Disputed fishery rights had thereafter been governed by exchange of diplomatic notes. A list thereof is published in Foreign Relations, 1885, pages 460–466. Secretary Bayard's report to Congress contains this passage, which is a

sufficient indication of executive policy as construed by the President and State Department of that date:

"Copies of the memoranda and exchanged notes on which this temporary agreement rests are appended."

Bayard's transmission of the early note exchanges was in 1885. That was years prior to the treaty. It therefore would appear that diplomatic exchanges prior to treaty negotiation may be of deep relevance for a period covering several years. Deprived of consideration of these note exchanges for the period 1885–1888, the Senate could not intelligently have given its advice and consent, as requested by the message of President Cleveland, February 20, 1888.

President Cleveland's message assures the Senate that it will receive papers up to date, in addition to note exchanges already transmitted by Secretary Bayard. This message, in my judgment a good American model for messages seeking the advice and consent of the Senate pursuant to constitutional mandate, contains the following enlightening information:

"The greater part of the correspondence which has taken place between the two Governments has heretofore been communicated to Congress, and at as early a day as possible I shall transmit the remaining portion to this date, accompanying it with the joint protocols of the conferences which resulted in the conclusion of the treaty now submitted to you.

"You will thus be fully possessed of the record and history of the case since the termination, on June 30, 1885, of the fishery articles of the treaty of October 20, 1818.

"As the documents and papers referred to will supply full information of the positions taken under my administration by the representatives of the United States as well as those occupied by the representatives of the Government of Great Britain, it is not considered necessary or expedient to repeat them in this message.

"* * * These provisions will secure the substantial enjoyment of the treaty rights for our fishermen under the treaty of 1818, for which contention has been steadily made in the correspondence of the Department of State, and our minister at London, and by the American negotiators of the present treaty." (See pp. 238–239, Ratification of Treaties, S. Doc. No. 26, 66th Cong., 1st sess.)

COURTS OF ARBITRATION FIND SECRET DOCUMENTS IMPORTANT

It is interesting to note that a controversy over fishing rights in the North Atlantic had arisen from time to time since the signing of the treaty of 1818. The treaty of 1888, negotiated by President Cleveland and ratified by the Senate, the Senate having all the documents, did not settle the controversy. It was, therefore, decided to submit to a court of arbitration at The Hague, which was done in 1910.

The decision of the arbitration court shows that one of the important questions involved was decided upon the basis of correspondence exchanged between Lord Bathurst and John Quincy Adams, American minister to Great Britain, the notes having been exchanged in 1815, three years before the signing of the treaty. (Hyde's International Law, vol. 2, p. 535.)

In 1898 a controversy arose with Switzerland over a most-favored-nation treaty, signed in 1850. As American Secretary of State, Mr. Day stood squarely on the text of the treaty with Switzerland. Switzerland, however, claimed that the meaning of the treaty must be gained not only from the text but also from all extraneous matter pertaining thereto. It developed that the plenipotentiary of the United States had made certain agreements and these agreements had been reported to the President by correspondence. When this was called to the attention of John Hay, who in the meantime had become Secretary of State, he addressed a note to the Swiss Government saying he had investigated the matter and discovered that Switzerland was right.

"Under these circumstances we believe it to be our duty to acknowledge the equity of the reclamation presented by your Government. Both justice and honor require that the common understanding of the high constracting parties at the time of the executing of the treaty should be carried into effect." (Hyde's International Law, vol. 2, p. 535.)

Exploration of the Alaskan boundary controversy and the controversy that arose over the boundary between the United States and New Brunswick can lead only to the conclusion that notes and correspondence prior to and during the negotiations of the treaty become of vast importance in case of dispute as to the meaning of the text of the treaty when such dispute is submitted to an arbitrational tribunal for decision.

If in case of the national fishery rights it is sound American precedent that all correspondence, exchange of notes, protocols of proceedings of negotiators, covering a period at least three years prior to final negotiation, be submitted to the Senate as a "component part" of the treaty-making power, then assuredly in a case involving the issues of peace and war, where Congress has the sole declaratory power, the duty of the Executive would appear to be plain.

That was the frank judgment of President Grant, himself a high military authority, the victorious general of the Union Army in the Civil War. That was the judgment of President Polk, who participated in the issues of the Mexican War. That was the judgment of President Washington, the general who won for his country the American Revolution. Washington set the precedent of American policy and practice according to the known and "clear intention of the framers of the Constitution." And the American people, and the cause of world democracy at large, are to be congratulated, that so many American Presidents have stood foursquare with the gospel of the American Constitution.

FOREIGN COMPLAINTS OF SENATE ACTION

Old World opposition to the American plan of treaty making extends to the whole subject of Senate participation—to the entire policy as laid down in the Constitution.

The American plan, whereby the people of the 48 States have sovereign voice through their Senators, upsets completely the Old World program of two sovereigns personally making a treaty contract or subrosa agreement, without knowledge of their "subjects."

Moore, International Law Digest, volume V, by International Jurist John Bassett Moore, touches on some of the cases of foreign complaint.

May 12, 1803, a convention, signed in London for settling the northern boundaries of the United States, was submitted by President Jefferson to the Senate. The Senate approved on condition that the fifth article be expunged. The British Government did not except the amendment, and ratifications were not exchanged. Page 199, volume V, of Moore's Digest gives the reason for British disapproval:

"The propriety of a partial approval by the Senate was doubted by the British Government. See Mr. Monroe, minister to England, to Secretary of State, June 3, 1804, American State Papers, Foreign Relations III, 93. For preliminary correspondence in relation to the convention see idem II, 382, 584, et seq."

This citation affords the Senate in the present discussion two interesting sidelights: First, the British Government doubts the "propriety of a partial approval of a treaty by the Senate"; second, in the time of Jefferson and Monroe, the "preliminary correspondence" in relation to a convention is laid before the Senate, and even published as a State document. The British reaction to Senate activity was not even a "diplomatic confidence," but was spread broadcast so that the entire body of American popular sovereignty might read.

A second case of British disapproval of Senate action came in 1824. President Monroe submitted to the Senate a convention for the suppression of the African slave trade, with a message, May 21, 1824. The Senate approved it with conditions which Great Britain refused to accept. Henry Clay, Secretary of State, in his published note to Mr. Addington, British Ministry, April 6, 1825, stated the American policy in terms well worth reading by all Americans to-day (see Moore's Digest, vol. V, pp. 200–201):

"The Government of His Britannic Majesty is well acquainted with the provision of the Constitution of the United States, by which the Senate is a component part of the treaty-making power; and that the consent and advice of that branch of Congress are indispensable in the formation of treaties. * * * The people of the United States have justly considered that, if there be any inconveniences in this arrangement of their executive powers, those inconveniences are more than counterbalanced by the greater security of their interests, which is effected by the mutual checks which are thus interposed. But it is not believed that there are any inconveniences to foreign powers of which they can with propriety complain. * * * This information the Government of the United States has always communicated to the foreign powers with which it treats, and to none more fully than to the United Kingdom of Great Britain and Ireland."

Jurist Moore (p. 201 same) follows the above case with the following citation from Crandall, Treaties, Their Making and Enforcement, 70–71:

"While the Senate's practice of amending treaties continues to meet with criticism by foreign writers, it would not be contended for a moment that the Senate might not reject in toto or withhold action altogether until the changes, which it might indicate by resolution or otherwise had been negotiated."

Refusal to submit correspondence or exchange of notes to the Senate in the performance of its treaty-making duty is an entering wedge for the undermining of all Senate participation in negotiation. The Senate can take no material action, except to sign on the dotted line, unless it has complete access to official data. Without evidence the Senate can arrive at no decision. It becomes a jury without power to examine witnesses. Its entire function would be resolved into the act of nodding assent to a paper submitted to it by the Executive.

JUSTICE BREWER ON KEEPING SECRETS FROM INDIANS

On June 11, 1838 (170 U. S. 1, 23), the Senate, in advising ratification of a treaty negotiated with the Sioux and other tribes of Indians, introduced an amendment. The President, in his proclamation to the Indians, made no allusion to the Senate proviso. The Supreme Court therefore held that the Indians could not be held subject to the proviso that, perhaps inadvertently, had been withheld from their knowledge. The language of Justice Brewer, speaking for the court, is significant and interesting (Treaties, Their Making and Enforcement, pp. 88–89):

"There is something, too, which shocks the conscience in the idea that a treaty can be put forth as embodying the terms of an arrangement with a foreign power or an Indian tribe, a material provision of which

is unknown to one of the contracting parties, and is kept in the background to be used by the other only when the exigencies of a particular case demand it."

The world will applaud this utterance of Justice Brewer speaking for the United States Supreme Court. Provisions should not be unknown to one of the contracting parties—even though an Indian. Nothing should be "kept in the background." And the Senate of the United States should not be kept in the dark by secret confidences or undelivered information of any kind. It is entitled to all the rights which the court accords to the Sioux Indian.

It may be contended by the Executive that we are refused no "material provision" relating to the proposed naval arms treaty. We shall know that fact, if true, when the Senate, as coordinate treaty-making power, receives from the Executive the full proceedings to which under the Constitution we are entitled.

SUMMARY

I. Both in its origin and in American treaty-making practice for over 100 years the Senate under the Constitution is a component part of the treaty-making power, and as such has complete power over the subject matter of negotiation—both antecedent thereto and attendant thereupon.

II. The so-called treaty drafted by negotiators is in fact, as well stated by Senator Lodge, "inchoate, a mere treaty form," unless it becomes a treaty by advice and consent of two-thirds of the Senate.

III. The treaty power residing in the people is conferred for treaty-making purposes by the Constitution upon the Executive and the Senate, who are coequals working by coordination, and both the Executive and the Senate are sworn to maintain and uphold the Constitution.

IV. The treaty-making powers of the Senate, as of the Executive, extend to every stage of the negotiation—prior thereto and during negotiation, and culminate advice and consent for purposes of ratification.

V. Power over the subject matter includes full and free access to all pertinent and relevant papers—note exchanges, diplomatic understandings, letters, telegrams, memoranda, all collateral evidence defining the meaning, the concrete application, and ultimate purpose of the negotiation.

VI. These principles have been crystallized in the practice of the Executive and Senate from the day of Washington and Monroe down to the present time. No precedent can be cited wherein the Executive hitherto, as a member of the coordinate treaty-making power, has refused his coequal in treaty making, the Senate of the United States, a request for papers pertinent to the consideration of a proposed treaty.

VII. The Supreme Court, in the language of Justice Brewer, finds there is "something which shocks the conscience" in withholding a proviso from "one of the contracting parties," even though an Indian. The evidence that no such material proviso is concealed from the Senate, a contracting party, is readily available by submitting all subject matter pursuant to the Constitution.

"Once freed from the primitive formalism which views the document as a self-contained and self-operative formula, we can fully appreciate the modern principle that the words of a document are never anything but indices to extrinsic things, and that therefore all the circumstances must be considered which go to make clear the sense of the words—that is, their associations with things." (Wigmore on Evidence, IV, p. 2470.)

I can not determine the importance of the documents requested by the committee because I do not know what they are. I assume the committee and the Senate will share this predicament with me. These documents may become of great importance in the future; and with that possibility in view it must be evident that they are important now. Therefore, I am of the opinion that the Senate is not in a position to consent to the treaty without having the subject matter before it for examination before it decides to grant its consent.

The Senate and the Executive being coordinate in treaty-making power it necessarily follows that with its joint responsibility goes a joint ownership and custody of the documents involved.

On the question of making the documents public, it is my opinion that this may also involve a joint responsibility which I do not think is necessary to discuss now.

CONCLUSION

My committee vote of "nay" on the proposed treaty of naval armament limitation is based on grounds outlined in this report.

The material facts pertinent and relevant to the case—such as exchange of notes leading up to negotiation, letters, telegrams, diplomatic proceedings, and understandings, touching the purpose and concrete commitments of the proposed treaty, are not laid before the Senate, and a request therefor has been refused.

This admitted suppressio veri, or concealment of material facts from a contracting party, to wit, the Senate of the United States, appears in law and morals to vitiate the proposed contract. It reduces the document to a gesture on paper—a paper negotiated by advice and consent abroad in lieu of advice and consent of the Senate. Such a paper I am unable to sign on the dotted line.

I do not attempt to define the scope of the Secretary of State in having "confidences abroad." I respect the chivalry which can not "in honor" divulge the secrets of his relations with the "mistress of the seas."

On the other hand, I can not in honor betray the confidence of my people, my country, and its Constitution. I can not vote to ratify a proposed contract the material facts of which are not before the Senate—under the Constitution a contracting party.

In my judgment the great issue before us is not whether we shall be limited to build 8-inch cruisers or 6-inch cruisers, but whether or not the Constitution, as understood by those who framed it, shall be maintained as a living force and shall exist in works as in words—whether or not the Americanism of Washington and Monroe, of Jackson and Cleveland, of Lincoln and Grant, shall abide from this day on as it has for nearly five generations of the Republic.

HENRIK SHIPSTEAD.

CALL OF THE ROLL

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Fess	McCulloch	Shipstead
Ashurst	George	McKellar	Shortridge
Barkley	Glass	McNary	Steck
Bingham	Glenn	Metcalf	Steiwer
Black	Goldsborough	Moses	Stephens
Blaine	Hale	Norris	Sullivan
Borah	Harris	Oddie	Swanson
Brock	Harrison	Overman	Thomas, Idaho
Broussard	Hastings	Patterson	Thomas, Okla.
Capper	Hatfield	Phipps	Townsend
Caraway	Hayden	Pine	Trammell
Connally	Hebert	Pittman	Vandenberg
Copeland	Howell	Ransdell	Wagner
Couzens	Johnson	Reed	Walcott
Cutting	Jones	Robinson, Ind.	Walsh, Mass.
Dale	Kendrick	Robsion, Ky.	Walsh, Mont.
Deneen	La Follette	Sheppard	Watson

Mr. SHEPPARD. The Senator from Florida [Mr. FLETCHER], the senior Senator from South Carolina [Mr. SMITH], the Senator from Utah [Mr. KING], and the Senator from Missouri [Mr. HAWES] are necessarily detained from the Senate by illness.

The junior Senator from South Carolina [Mr. BLEASE] and the senior Senator from New Mexico [Mr. BRATTON] are necessarily detained from the Senate by reason of illness in their families. Also, the junior Senator from Washington [Mr. DILL] is absent attending the sessions in Chicago of the special committee to investigate campaign expenditures.

Mr. SHIPSTEAD. I desire to announce the unavoidable absence of my colleague the junior Senator from Minnesota [Mr. SCHALL]. I ask that this announcement may stand for the day.

The PRESIDENT pro tempore. Sixty-eight Senators having answered to their names, a quorum is present.

DEATH OF DR. HARVEY W. WILEY

Mr. COPELAND. Mr. President, I have just learned with deep sorrow of the death of Dr. Harvey W. Wiley. I think a word at least should be said of this great man at this moment.

In my opinion, no one has contributed more to the cause of pure food than this noble man. For this and for many other reasons we as a people owe him a great debt.

Doctor Wiley served a long time as an official of the Government. I am sure the Senate learns with great regret of his departure from this life. I trust that at an appropriate time some more formal action may be taken.

Mr. RANSDELL. Mr. President, I wish to support what the Senator from New York has said about Doctor Wiley and to reiterate in strongest terms the deep regret we have, and I believe the people of the United States have, in the death of a man who has done such wonderfully good work for his country during a long lifetime.

I have known Doctor Wiley for years, and held him in highest esteem as a learned scientist and all-around good citizen. During my four years' fight to secure passage of my bill to create a National Institute of Health, which became law recently, Doctor Wiley encouraged and assisted me effectively. He visualized the potentialities of this great measure in preventing disease or curing it, thereby increasing the health and happiness of all human beings, and he gave it in full measure his powerful support.

ENLARGEMENT OF POST-OFFICE BUILDING, WASHINGTON, D. C.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 11144) to authorize the Secretary of the Treasury to extend, remodel, and enlarge the post-office building at Washington, D. C., and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. FESS. I move that the Senate insist on its amendment, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. KEYES, Mr. FESS, and Mr. ASHURST conferees on the part of the Senate.

SECOND DEFICIENCY APPROPRIATIONS

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 12902) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JONES. I move that the Senate insist on its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. JONES, Mr. HALE, Mr. PHIPPS, Mr. OVERMAN, and Mr. GLASS conferees on the part of the Senate.

D. B. TRAXLER

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 2790) for the relief of D. B. Traxler, which were, on page 1, line 7, after the word "Carolina," to insert "in full settlement of claims," and on page 1, line 12, after the word "Greenville," to insert "*Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

Mr. HOWELL. I move that the Senate agree to the amendments of the House of Representatives.

The motion was agreed to.

GEORGE W. M'PHERSON

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 8242) for the relief of George W. McPherson, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HOWELL. I move that the Senate insist on its amendment, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. HOWELL, Mr. MCMASTER, and Mr. BLACK conferees on the part of the Senate.

AMENDMENT OF CIVIL SERVICE CLASSIFICATION ACT

Mr. DALE submitted the following report, which was ordered to lie on the table:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 215) to amend section 13 of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," as amended by the act of May 28, 1928, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses:

That the Senate recede from its disagreement to the House amendments numbered 1, 2, 3, 4, 5, 6, 7, and agree to the same.

That the Senate recede from its disagreement to the House amendment numbered 8, and agree to the same with an amendment as follows:

After the figure "4–B," in line 3, on page 2 of the engrossed copy of the amendments, insert a comma and the words "including drafting groups."

That the Senate recede from its disagreement to the House amendment numbered 9, and agree to the same.

That the Senate recede from its disagreement to the House amendment numbered 10, and agree to the same with the following amendments:

On page 2, line 13 of the engrossed copy of the amendments, in section 4, strike out the words "sole jurisdiction to determine finally the grade or subdivision thereof to which all positions which are subject to the compensation schedules of the classification act of 1923 and amendments thereto shall be allocated, and it shall have."

In line 18 of section 4, on page 2, after the words "review and," insert "subject to the President's approval to."

On page 3, in line 17 of the engrossed copy of the draft, in section 6, after the word board," insert "which hereafter shall consist only of the Director of the Bureau of the Budget, a member of the Civil Service Commisison, and the Chief of the United States Bureau of Efficiency, the Director of the Bureau of the Budget to be the chairman of the board."

PORTER H. DALE,
SMITH W. BROOKHART,
KENNETH MCKELLAR,
Managers on the part of the Senate.

FREDERICK R. LEHLBACH,
ADDISON T. SMITH,
LAMAR JEFFERS,
Managers on the part of the House.

RELIEF OF WORLD WAR VETERANS

Mr. MCKELLAR. Mr. President, I present a telegram from Oteen Hospital Chapter, No. 3, Disabled American Veterans, of Asheville, N. C., in reference to the veterans' bill, and ask that it may be printed in the RECORD without reading and lie on the table.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

[Telegram]

ASHEVILLE, N. C., *June 29, 1930.*

Senator KENNETH MCKELLAR,
Washington, D. C.:

The rates in veterans' bill as passed by the House are insufficient for the maintenance of a disabled man and family. Sentiment among the patients at Oteen, N. C., is that the bill should be defeated unless the rates can be raised to amounts called for by the Walsh-Connally amendment.

OTEEN HOSPITAL CHAPTER, No. 3, DISABLED AMERICAN VETERANS.

REPORTS OF COMMITTEES

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (H. R. 9347) for the relief of Sidney J. Lock, reported it without amendment and submitted a report (No. 1137) thereon.

Mr. BARKLEY, from the Committee on the Library, to which was referred the bill (S. 4384) to provide for the erection of a suitable monument to the memory of the first permanent settlement of the West at Harrodsburg, Ky., reported it without amendment and submitted a report (No. 1138) thereon.

Mr. JOHNSON, from the Committee on Commerce, to which was referred the resolution (H. J. Res. 372) authorizing the President of the United States to accept on behalf of the United States a conveyance of certain lands on Government Island from the city of Alameda, Calif., in consideration of the relinquishment by the United States of all its rights and interest under a lease of such island dated July 5, 1918, reported it without amendment and submitted a report (No. 1141) thereon.

CONVEYANCE OF LANDS TO UNIVERSITY OF OREGON

Mr. REED. From the Committee on Military Affairs I report back favorably with amendments the bill (S. 3360) authorizing the Secretary of War to convey to the University of Oregon certain lands forming a part of the Coos Head Military Reservation, and I submit a report (No. 1140) thereon.

I should like to say in connection with this measure that, as a part of this land has been used for river and harbor projects, I have taken the matter up with the Senator from California [Mr. JOHNSON] and have been told by him that he is quite satisfied that the Committee on Military Affairs should act on it.

Mr. STEIWER. Mr. President, consummation of the desire of the University of Oregon to provide a marine laboratory awaits final action upon this measure; and this is the last legislative step to be taken by the Senate in its enactment. I therefore ask unanimous consent for the immediate consideration of the bill.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate proceeded to consider the bill.

The amendments were, on page 1, line 6, after the name "Coos Head," to strike out "Military" and insert "River and Harbor"; in line 9, after the word "of," where it occurs the first time, to strike out "lots" and insert "lot"; in the same line, after the figure "2," to strike out "and 3" and insert a comma and "the westerly 750 feet of lot 3"; on page 3, line 10, after the word "purposes," to insert a comma and "and subject at all times to the rights of the United States in section 4

hereof," and in line 22, after the word "conveyance," to insert "nor shall such act or permit apply to the unconveyed part of lot 3 after the date of this act," and on the same page, at the end of the bill, to insert a new section, as follows:

SEC. 4. The lands herein authorized to be conveyed to the University of Oregon shall at all times be subject to the right of the United States to occupy and use such part thereof as are now or may hereafter be needed for jetty site or sites, for rights of way for tramways from the unconveyed part of lot 3 to such jetty site or sites, and for ingress and egress by persons engaged in river and harbor work; and the United States shall at all times have prior right to three-fourths of the natural flow of streams draining lots 2 and 3.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War is authorized and directed to convey by quitclaim deed to the University of Orgeon, State of Oregon, subject to the conditions hereinafter specified, the following-described part of the Coos Head River and Harbor Reservation situated on the south shore of the entrance to Coos Bay in Coos County, Oreg.:

All of lot 2, the westerly 750 feet of lot 3, all of lot 1 except the west 300 feet thereof, and all of the southwest quarter northwest quarter, except the west 300 feet thereof, all in section 2, township 26 south, range 14 west, Willamette meridian, in the county of Coos, Oreg.; excepting therefrom the parcels of land released to the Treasury Department by letter from the Assistant Secretary of War, dated April 24, 1913, and more particularly described as follows: Site for station buildings beginning at a point north 41° 30′ west 1,307 feet from the southeast corner northwest quarter of section 2, township 26 south, range 14 west, Willamette meridian; thence north 33° 15′ west 400 feet; thence west 33° 15′ south 400 feet; thence south 33° 15′ east 400 feet; thence east 33° 15′ north 400 feet to the point of beginning, and containing 3.673 acres; also a site for lifeboat house commencing at a point 775 feet north 33° 15′ west from the starting point of site and the station grounds; thence running west 33° 15′ south 150 feet; thence south 33° 15′ east 225 feet; thence east 33° 15′ north 150 feet; thence north 33° 15′ west 225 feet to the point of beginning, and containing 0.774 of an acre.

SEC. 2. The lands herein authorized to be conveyed shall be used by the University of Oregon solely for scientific and educational purposes subject, however, to the right of the United States, in case of war or other emergency, to assume control of, hold, use, and occupy said lands or any part thereof for any and all military, naval, or other governmental purposes, and subject at all times to the rights of the United States stated in section 4 hereof. The deed executed by the Secretary of War under the provisions of section 1 of this act shall contain the express condition that if the University of Oregon shall at any time attempt to alienate said lands that same shall revert to the United States.

SEC. 3. The provisions of the act entitled "An act authorizing the Secretary of War to grant the use of the Coos Head Military Reservation, in the State of Oregon, to the cities of Marshfield and North Bend, Oreg., both being municipal corporations, for park purposes," approved August 21, 1916, and of any permit granted by the Secretary of War under such act, shall not apply to the lands herein authorized to be conveyed, after the date of such conveyance, nor shall such act or permit apply to the unconveyed part of lot 3 after the date of this act.

SEC. 4. The lands herein authorized to be conveyed to the University of Oregon shall at all times be subject to the right of the United States to occupy and use such part thereof as are now or may hereafter be needed for jetty site or sites, for rights of way for tramways from the unconveyed part of lot 3 to such jetty site or sites, and for ingress and egress by persons engaged in river and harbor work; and the United States shall at all times have prior right to three-fourths of the natural flow of streams draining lots 2 and 3.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing the Secretary of War to convey to the University of Oregon certain lands forming a part of Coos Head River and Harbor Reservation."

EXECUTIVE REPORTS

As in executive session,

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, reported sundry post-office nominations, which were placed on the Executive Calendar.

Mr. STEPHENS, from the Committee on the Judiciary, reported the nomination of Henry M. Holden, of Texas, to be United States attorney, southern district of Texas, which was placed on the Executive Calendar.

Mr. HEBERT, from the Committee on the Judiciary, reported the following nominations, which were placed on the Executive Calendar:

Richard B. Quinn, of Oklahoma, to be United States marshal, western district of Oklahoma;

Joseph W. Cox, of the District of Columbia, to be an associate justice of the Supreme Court of the District of Columbia; and

Oscar R. Luhring, of Indiana, to be an associate justice of the Supreme Court of the District of Columbia.

Mr. REED, from the Committee on Military Affairs, reported the nominations of sundry officers in the Medical Corps of the Army, which were placed on the Executive Calendar.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. COPELAND:

A bill (S. 4766) granting a pension to Louise Claussen; to the Committee on Pensions.

A bill (S. 4767) for the relief of H. P. Converse & Co.; to the Committee on Claims.

Mr. McKELLAR. On behalf of the Senator from Maryland [Mr. TYDINGS], who is away attending the funeral of a friend, I introduce a bill for proper reference.

By Mr. McKELLAR (for Mr. TYDINGS):

A bill (S. 4768) authorizing the Secretary of Agriculture to convey certain lands to the Maryland-National Capital Park and Planning Commission of Maryland for park purposes; to the Committee on Agriculture and Forestry.

By Mr. VANDENBERG (by request):

A bill (S. 4769) to amend an act entitled "An act creating the Great Lakes bridge commission and authorizing said commission and its successors to construct, maintain, and operate a bridge across the St. Clair River at or near Port Huron, Mich.," approved June 25, 1930, being Public Act No. 433 of the second session of the Seventy-first Congress; to the Committee on Commerce.

By Mr. GLENN:

A bill (S. 4770) for the relief of Nannie Swearingen; to the Committee on Claims.

By Mr. JOHNSON:

A bill (S. 4771) granting a pension to Harrison Brainard; to the Committee on Pensions.

By Mr. HAYDEN:

A bill (S. 4772) providing a pensionable status for soldiers of certain companies of militia organized in the Territories of Utah, Arizona, and New Mexico and the State of Texas for service against hostile Indians; to the Committee on Pensions.

By Mr. NORRIS:

A joint resolution (S. J. Res. 205) relating to the sale of power generated by the Government at Dam No. 2, Muscle Shoals, Ala., and the steam plant in that vicinity; to the Committee on Agriculture and Forestry.

AMENDMENTS TO WORLD WAR VETERANS' BILL

Mr. CUTTING submitted an amendment in the nature of a substitute intended to be proposed by him to the bill (H. R. 13174) to amend the World War veterans' act, 1924, as amended, which was ordered to lie on the table and to be printed.

Mr. WALSH of Massachusetts and Mr. CONNALLY submitted an amendment intended to be proposed by them to the bill (H. R. 13174) to amend the World War veterans' act, 1924, as amended, which was ordered to lie on the table and to be printed.

COST OF PRODUCTION OF SHOE LACINGS

Mr. HEBERT. I submit a resolution, and ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. The resolution will be read.

The resolution (S. Res. 308) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the United States Tariff Commission is hereby directed to investigate, for the purposes of section 336 of the tariff act of 1930, the cost of production of the shoe lacings specified in paragraph 912 of such act.

INVESTIGATION BY TARIFF COMMISSION

Mr. COPELAND. Mr. President, I offer the following resolution and ask for its immediate consideration.

The resolution (S. Res. 309) was read, as follows:

Resolved, That the Tariff Commission is hereby directed to investigate the differences in the cost of production between the domestic article and foreign article, and to report upon the earliest date practicable upon the following articles: Sugar, ultramarine blue, and umbrellas.

This request is made under and by virtue of section 336, and the following sections, of the tariff act, approved on the 17th day of June, 1930.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. REED. Would the Senator be willing to add "pig iron"?
Mr. COPELAND. I would.
Mr. REED. I move to add to the list of articles "pig iron."
Mr. COPELAND. Let the modification be made.
The resolution as modified was agreed to.

INTERSTATE TRANSPORTATION OF BLACK BASS

Mr. COUZENS submitted the following report.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 941) to amend the act entitled "An act to regulate interstate transportation of black bass, and for other purposes," approved May 20, 1926, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House, and agree to the same.

JAMES COUZENS,
KEY PITTMAN,
JAMES E. WATSON,
Managers on the part of the Senate.

JOHN E. NELSON,
J. L. MILLIGAN,
CHAS. A. WOLVERTON,
Managers on the part of the House.

The report was agreed to.

ENLARGEMENT OF POST-OFFICE BUILDING, WASHINGTON, D. C.

Mr. FESS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11144) to authorize the Secretary of the Treasury to extend, remodel, and enlarge the post-office building at Washington, D. C., and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

HENRY W. KEYES,
SIMEON D. FESS,
HENRY S. ASHURST,
Managers on the part of the Senate.

RICHARD W. ELLIOTT,
J. WILL TAYLOR,
FRITZ G. LANHAM,
Managers on the part of the House.

The report was agreed to.

EFFECT OF LAW ON INTERNATIONAL COMMERCIAL RELATIONS

Mr. THOMAS of Oklahoma. Mr. President, I call attention to an editorial in the Washington Post of to-day. The article is headed "No Tariff War." The opening sentence is as follows:

If any foreign government should weakly submit to the demands of selfish commercial interests and attempt to retaliate against the United States because this country has enacted a new tariff law, it will soon repent of its folly. In the game of commercial retaliation the United States has all the advantage, and can easily bring any foreign government to terms.

The article calls attention to the threats of reprisals made by France, and concludes by stating:

Tourist receipts have already begun to fall off as a result of French cupidity, and France's neighbors have been quick to take advantage of the opportunity to divert the stream of American tourists. Splendid steamships now convey American tourists direct to Germany, Spain, and Italy, and it is no longer necessary to pay tribute to France.

Great Britain is not overlooked. The British Government has placed an embargo upon American apples. This apple embargo draws the following comment from the Post editor:

If the embargo is the beginning of a commercial controversy between Great Britain and the United States, the ramifications of the quarrel will surprise British shipping, insurance, and commercial interests. It is impossible to accept the theory that the British Government will welcome a struggle with the United States in any field whatever.

Mr. President, for emphasis I reread the last sentence:

It is impossible to accept the theory that the British Government will welcome a struggle with the United States in any field whatever.

The article concludes with the following paragraph:

If the nations should invite commercial suicide by starting tariff wars against the United States, American producers would remain in possession of the richest market in the world, while foreign producers would be deprived of the market that now consumes an enormous share of their commodities.

Foreign nations will think twice before they cut themselves off from their best customer.

Mr. President, this publication is one of the leading newspapers of the Capital City. It is presumed to speak for the Government of the United States, for the party in power, and for the people of our common country. I challenge the statements made in this editorial. I challenge the implication that the people of the United States support and indorse such sentiments.

The editorial, whatever its intent, has one major meaning expressed in the title "No Tariff War." Notwithstanding the protests filed and actions already taken by other governments, this presumed spokesman for America says that no country can afford to take issue with the United States; no country can afford to oppose or resist the United States, and that if they should presume to act so indiscreetly, such protesting countries would soon be brought to terms. If France does not accept our new tariff act with a "Merci, Monsieur Uncle Sam," then we, in retaliation, are to send our tourists to Germany, Spain, and Italy.

Mr. President, just how would such an American policy help our diplomatic, commercial, and financial relations with France? It is charged that "Great Britain, in its present critical position, can not afford to forfeit the friendship and cooperation of the United States."

Such statements made here in Washington can not help our relations with the London Government. We have now pending in the Senate the so-called London naval agreement or treaty. That treaty will soon be the unfinished business for consideration and action. Are such sentiments and threats, not implied but openly and boldly made, calculated to improve our standing with our great English-speaking neighbor? Can it be that this publication is taking advantage of the tariff controversy to indirectly and clandestinely stab the naval treaty in the back?

Mr. President, I condemn the editorial. I deny that it speaks for the Government of the United States. I deny that it speaks for the people among whom it circulates. Instead of making threats and counterthreats against our neighbors, we should be trying to reach an understanding with them, to the end that peace and good will and trade relations may be continued and extended rather than curtailed and destroyed.

Instead of a policy of "threats," instead of a policy of "bluff," and instead of a policy of "asserted superiority," all giving positive and public evidence of the proposed establishment of a policy of "economic imperialism," I suggest and commend to the policy dictation of the Washington Post a policy suggested in Senate Joint Resolution 202. I ask unanimous consent at this point to print a copy of that joint resolution in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The joint resolution referred to is as follows:

Joint resolution (S. J. Res. 202) introduced by Mr. THOMAS of Oklahoma on the 25th instant providing for the calling of an international trade and agricultural conference

Resolved, etc., That the President is hereby authorized and requested to invite the governments of the countries with which we maintain commercial relations to send representatives to a conference which shall be charged with the duty, (1) of making a survey of economic barriers between and among the countries represented, (2) of investigating, considering, and developing a system of international agricultural crop reporting, and, (3) of investigating, considering, and reporting plans for the control of the production of exportable agricultural crops; and that the report or reports of such conference, whether jointly or individually made, shall be filed with the appropriate respective governments for consideration and approval.

Mr. THOMAS of Oklahoma. Mr. President, I ask unanimous consent further to print in the RECORD the entire editorial in the Washington Post of this date, to which I have referred.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The editorial is as follows:

[From the Washington Post of Monday, June 30, 1930]

NO TARIFF WAR

If any foreign government should weakly submit to the demands of selfish commercial interests and attempt to retaliate against the United States because this country has enacted a new tariff law, it will soon repent of its folly. In the game of commercial retaliation the United States has all the advantage, and can easily bring any foreign government to terms.

The French Government, which permitted threats of reprisal to be widely published, has seen the handwriting on the wall. It has now decided to await arrival of the official text of the new American tariff before making any representations. After it has examined the law it

will find that it has no grounds of complaint, and that a policy of retaliation would work great injury to France.

American tourists have been contributing to French pocketbooks three times as much as France is paying on its debt to America. Tourist receipts have already begun to fall off as a result of French cupidity, and France's neighbors have been quick to take advantage of the opportunity to divert the stream of American tourists. Splendid steamships now convey American tourists direct to Germany, Spain, and Italy, and it is no longer necessary to pay tribute to France.

The embargo imposed by the British Government upon apples from the United States is regarded in some quarters as an act of reprisal against the new tariff law, although the official explanation of the embargo is that it is necessary to prevent importation of infected fruit. Experience will soon determine the facts. If the embargo is the beginning of a commercial controversy between Great Britain and the United States the ramifications of the quarrel will surprise British shipping, insurance, and commercial interests. It is impossible to accept the theory that the British Government will welcome a struggle with the United States in any field whatever. Every expression by British statesmen reveals that Great Britain in its present critical position can not afford to forfeit the friendship and cooperation of the United States.

The United States tariff does not discriminate against any foreign government or foreign interest. The customhouses are open to foreign commodities without regard to their origin. The protective duties are levied solely for the benefit of Americans. No objections are raised by the United States when foreign nations impose protective tariffs. Ninety per cent of foreign tariffs are higher than the American tariff. American producers sell their goods abroad in spite of high tariffs. If the nations should invite commercial suicide by starting tariff wars against the United States, American producers would remain in possession of the richest market in the world, while foreign producers would be deprived of the market that now consumes an enormous share of their commodities.

Foreign nations will think twice before they cut themselves off from their best customer.

OPERATION OF GOVERNMENT BARGE LINES

Mr. NORRIS. Mr. President, several days ago I made some comment upon an article which I had printed in the RECORD taken from the Nation, and written by Maj. Gen. T. Q. Ashburn. I communicated with General Ashburn in reference to one comment I made at the time I had the article printed, namely, as to what effect the operation of the barge lines on the river had had on freight rates. I have an answer to my communication in which the general gives a good many instances of reductions in freight rates that have been brought about by the operation of these governmental barge lines.

The other article which I put in the RECORD showed their financial success, how they were making money, how they had taken over a short line of railroad in Alabama, which was in the hands of a receiver, and which the railroad company had abandoned, or asked to abandon; how they had purchased it, the money they had put into it, and how it was making considerably above 6 per cent on the investment.

In answer to my other letter, General Ashburn, as I said, gives quite a number of illustrations of reductions in railroad freight rates that have been brought about by the operation of the governmental river-barge lines. I want to read one paragraph, in which he says:

> All rail rates on export grain from St. Louis to New Orleans have been reduced from around 18 cents per hundred pounds to 11 cents per hundred pounds, this being brought about by competition with the barge rates of 2 mills per ton-mile, 11½ cents per hundred pounds, St. Louis to New Orleans. The all-water rate is now 8 cents per hundred pounds.

I ask unanimous consent, Mr. President, as a part of my remarks, to print in the RECORD the entire letter of General Ashburn.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The letter referred to is as follows:

INLAND WATERWAYS CORPORATION,
Washington, D. C., June 25, 1930.

Hon. G. W. NORRIS,
United States Senate, Washington, D. C.

MY DEAR SENATOR NORRIS: In response to your letter of June 21, 1930, in which you request some concrete illustrations of freight-rate reductions due to the operation of boats by the Inland Waterways Corporation, the following information is submitted:

The actual freight savings by the Federal Barge Lines in 1929 amounted to $2,600,000, as reported by our comptroller.

This estimate of savings was made by a compilation of individual savings on actual shipments over the barge lines and computed by adding the actual saving in cents per ton over the all-rail rates between the points of origin and destination. These figures were actually worked out in our comptroller's office for each shipment.

I find no evidence to convince me that the general structure of all-rail rates throughout our country has been much affected by the Federal barge line rates, although great savings have been introduced through the utilization of all-water rates, joint rail-water rates, and joint rail-water-rail rates. Certainly this corporation has never used its rates as a club to beat down all-rail rates. Nevertheless, it is possible to point out very specific and important examples of where rail lines have voluntarily reduced their all-rail rates which were in competition with water rates. Some of them follow:

The Aluminum Ore Co. of America has a very large plant at East St. Louis, Mo. Bauxite ore is a basic commodity handled by this plant. This ore may come from Bauxite, Ark., from British Guiana, or other remote sources of supply. This company owns its own line of boats, which it operates between British Guiana and New Orleans. When the Federal barge lines began to take this ore at New Orleans and transport it to East St. Louis the all-rail rate on this commodity was $6 per ton, which was so prohibitive as to become what is technically known as a "paper" rate. The original barge rate, which moved the ore, was 80 per cent of $6, or $4.80 per ton. Successive reductions were made by both rail and barge line, until to-day the "all-water" charge, "dock to dock" rate is $3 per ton. The actual cost to the Aluminum Ore Co. of this carriage, including transfer, switching charges, etc., is $3.76 per ton.

The Missouri Pacific Railroad has established a total rate of $4.25 per ton for handling this ore from ship to plant at East St. Louis, and allows a refund of 78 cents per ton for handling the ore from ship to car, so that the actual money it receives for this transportation is $3.47 per ton instead of the $6 paper rate, which moved little bauxite ore, if any.

If the $6 rate on bauxite ore had remained constant, it is probable that the entire plant of the Aluminum Ore Co. at East St. Louis would have been scrapped, because it could not successfully compete with its eastern competitors, and the buyers of aluminum products throughout the Middle West would have been paying the same price they now pay plus the additional transportation of the finished product from Baltimore to destination.

All-rail rates on export grain from St. Louis to New Orleans have been reduced from around 18 cents per hundred pounds to 11 cents per hundred pounds, this being brought about by competition with the barge rate of 2 mills per ton-mile, 11½ cents per hundred pounds, St. Louis to New Orleans. The all-water rate is now 8 cents per hundred pounds.

Competition between eastern, southern, and western sugar refineries and American beet-sugar refineries has caused the statement to be made publicly that the barge-line rates are the basis of sugar prices throughout the United States.

Barge-line rates are an important if not the controlling factor in the price of steel and steel products in the Southwest.

The rates on manganese ore and sulphur, used in the manufacture of steel, have been materially affected by barge rates.

Yours very truly,

T. Q. ASHBURN,
Major General, United States Army,
Chairman and Executive.

THE CASE OF WELCH VERSUS VENEZUELA

Mr. RANSDELL. Mr. President, in connection with Senate Resolution 253, introduced by me on April 25, 1930, and supplementing other material submitted on the so-called Welch case, I ask unanimous consent that the documents I hold in my hand be inserted in the RECORD.

These documents consist of a letter from Morris Gilbert, the author of an article entitled "Venezuela's Rocking-Chair Czar," which recently appeared in the North American Review, and copy of a petition to the President of the United States from the women of Venezuela, to which is attached a letter from Mr. Delgado to Mr. King, dated June 1, 1930; also a letter from Mr. Delgado to Mr. King, dated May 7, 1930.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The documents referred to are as follows:

VEERE, HOLLAND, *May 28, 1930.*

The Hon. JOSEPH E. RANSDELL,
Senator from Louisiana, Washington, D. C.

MY DEAR SENATOR RANSDELL: Mr. Kenneth W. Payne, editor of the North American Review, forwarded me your letter of May 15, which reached me to-day. I am very glad to answer you and stand behind everything which appears in my article, "Venezuela's Rocking-Chair Czar."

I have no copy of the article at hand at present to refer to in detail, but it was written after an investigation covering several months in Venezuela, followed by a year or more of study of the situation and conversations with many men familiar with conditions there, both officially and privately. Much of the material in it is a matter of historical record. Other information is common knowledge in Venezuela and neighboring countries. Concerning many personal details about

Gomez, I observed them at first hand. For information on the financial side of the article I refer you to any oil man familiar with the situation who could be prevailed upon to speak frankly.

* * * * * * *

I am familiar with the case of your constituent, Mr. Welch, who wrote me during the winter of this year. I have been unable to find his address so that I might answer him, but I have no doubt of the complete veracity of his report of mistreatment, which is not an unusual case except that its victim is a United States citizen.

May I add that there are published a number of pamphlets and at least one book which attack Gomez and his government with a freedom which I did not allow myself in any part of the article in the North American Review. The book I refer to is entitled "Gomez, the Shame of America," printed in English in Paris. Unfortunately, I have not the name of the publisher by me, but it could doubtless be procured through the United States Embassy in Paris. I do not, however, recommend the study of this book for committee purposes, since it is comparatively undocumented. It is an astounding description of political torture and restraint under the Gomez régime.

If I were in the United States and could spare the time and expense, I should be very glad indeed to go to work with you on this matter, although I know that it is charged with dynamite because of the interests of oil and other important financial considerations. I have been away from the subject so long that undoubtedly there is nothing very helpful about this letter. It may be that I can give you further information; and if I can, shall do so.

I am much interested in your observation concerning that lack of protection furnished our citizens in foreign lands, but I doubt if much can be accomplished on that score until there is a Democrat in the White House.

I can not remember what material there might have been in my article subject to verification by affidavit. But you can take my word for it, the article is mild compared with the state of affairs themselves.

Sincerely yours,

MORRIS GILBERT.

LIBERACION DE VENEZUELA,
Junta Suprema, June 1, 1930.

Mr. A. L. KING,
Care of Hon. A. H. Gasque, House Office Building,
Washington, D. C.

DEAR MR. KING: I am very sorry for having not been able to send you last night the translation of the Message of the Venezuelan Women to the Women of America. But, besides certain difficulties I am finding in that work, had a previous engagement yesterday, very important for my medical profession, to attend a conference, out of New York, and came back home late in the evening.

In default of that document am inclosing here the Message of the Venezuelan Women to President Hoover, which was brought to this country during the intended trip of His Excellency to Venezuela, by a commission of ladies who had to return home on account of their arriving here after His Excellency the President had left for South America, at the same time that the public opinion had the impression that President Hoover had abandoned the plan of including Venezuela in his visit.

This document was sent to me yesterday, with the instructions to present it to the subcommittee of Foreign Relations of the Congress of the United States in charge of the investigation about the conditions in Venezuela under the dictatorship of Juan Vicente Gomez, with the correspondent explanation I am giving you for not having presented it in its previous opportunity. It is signed by many very respectable ladies, who asked me to pledge myself responsible for their names before the Congress, till the moment that there is no more danger of the iniquities and vengeance of the tyrant Gomez against the members of their families, or those of themselves who had to return to Venezuela.

Therefore, you will please introduce to the Congress, with said document, the present letter.

But, in case the Congress would request the original signatures, these ladies have entitled me to present them, and I will have the honor to pay my respectful consideration to the honorable members of the subcommittee of Foreign Relations of the Congress of the United States.

I shall send you to-morrow some other documents about the same matter.

Very sincerely yours,

P. J. JUGO DELGADO.

MESSAGE FROM VENEZUELAN WOMEN TO HON. HERBERT HOOVER

To your great country has already reached the echo of our painful outcry, and you and your prominent fellow citizens already know of the agony of a people who, deprived of every right and of every liberty, perish at the very gates of the country of Washington under the most terrible incarnation of brutal force ever known in America.

The noble people who gained independence and the republican idea for a continent, from the Avila to the shores of La Plata, are to-day suffering from a rule of blood and infamy.

This you can not fail to know, Mr. Hoover, for the sorrows and clamors of Venezuela fill the world. But that which you can not imagine, because it exceeds the limits of human cruelty, is the martyrdom of hundreds of children, of young men, and of adolescents taken away from the university and from honorable homes to be transported like galley slaves to desolate and barren regions where malaria and typhoid fever render impossible the continuance of existence. That which you can not see is the torturing of those who perish daily in the lonely fortresses and prisons so abundant in this country, because the agony of those unfortunate citizens is breathed forth daily only into their dark and unhealthy cells, where they are deprived of all contact with mankind and of all human comforts. Frequently the sad news of their death does not reach their families until months have elapsed.

With no liberty, no free press; without the right of speech, without anything; with absolutely none of those mediums which civilization grants to the voice of the people, we set before you this protest of a martyred people so that through you the whole world may know that, notwithstanding their deceitful and lying shouts of progress, this government has during 25 years done nothing than exploit for its own benefit the riches of the country. Petroleum, which this country produces in immense quantities, has only served to enrich the incomes of our governors. Our plains remain uninhabited and uninhabitable for the reason that in a quarter of a century there has not been initiated the smallest campaign against the disastrous scourge of malarial fever. Our illiterate laborers, stupefied by their poor existence, continue to live in their primitive huts, trying with the greatest difficulty to earn their daily bread and knowing no relaxation other than drinking, and no prospects other than to be recruited by the government to kill or to be killed before they understand the reason of their sacrifice. Our industries have no progress, our mountains and woods are as unexplored as before the discovery. The population does not increase and the tremendous mortality of infants has not yet aroused the slightest interest on the part of our governors. Worse than all of this is the brutal and selfish force which drowns the cries of the conscientious and punishes with death the claims brought forth by honest hearts.

We know that this protest will bring forth persecutions and torture upon us as the ship which brings you to our country has left our shores; but it does not matter, for we have complied with our duty toward our country and our children and we are satisfied with the thought that the man who helped Belgium at its moment of trial will not forget us when his official duties in the White House place him in contact with the government of Gen. Juan Vicente Gomez. We know that you will not forget that this Government carried away, and deprived of life, the innocent children of the Venezuelan mothers who, defenseless and disarmed, come to-day before you to set forth their protest. This protest no diplomacy and no material interests can make silent, for it will be backed by the tears of all the mothers of the world, the tears of your own mother, sir, when the Venezuelan drama is fully known.

WOMEN OF VENEZUELA.

MAY 7, 1930.

Mr. A. L. KING,
Attorney at law, care Hon. A. L. Gasque,
House Office Building, Washington, D. C.

DEAR MR. KING: Whatsoever may be the case for which you have requested from my conscience as a Venezuelan citizen, my opinion about the political situation of my country under the dictatorship of Juan Vicente Gomez, in connection with a recent resolution of the Congress of the United States, I consider that my duty is to stick by the truth strictly, not only for the sake of humanity, according with the fact on my understanding that you are a professional of justice, who sympathizes with the sufferings of my people but also for the respect I render to my sentiment of patriotism.

Besides that I feel loyally bound to the consequence for the reason that since the year of 1910 I have contributed with my writings to establish a stronghold of protest against the inequities and crimes committed in Venezuela by the autocrat, Gomez, and his barbarous accomplices.

The civilized world must take notice of the outrages that that brutal régime of force inflicts every minute against freedom and justice, interests and life of the generous and hospitable Venezuelan people, who never have submitted, without heroical resistence, to the power of the tyrant.

I regret that the interest you have in receiving soon my answer, and the brevity that circumstances impose on me, do not give me the time to comment with the right calm the deep impression that caused in public opinion one of the scandalous and shameful attempts of the despot you mention in your correspondence. I refer to the illegal imprisonment of the students and thousands of prominent citizens, who have been kept for many years in jails mixed up with criminals, or in the forced labor of the roads, with irons and chains on their feet, and submitted to the torment of whipping, hunger, and thirst and to infamous tortures that decency does not permit to express. Many of these unfortunates have turned insane, others have lost their lives, and all have got infected

with malaria fever and other epidemics prevalent in those unhealthy climes.

Notwithstanding the promptness of my writing I remember a few names of the hundreds of these gentlemen who have been in the terrific jail "La Rotunda" for years, and are still suffering those awful conditions: Dr. R. Irazabel Perez, physician and surgeon; Dr. J. P. Arreaza Calatrava, lawyer; Mr. Andres Eloy Blanco, poet and writer; Mr. R. Arévalo Gonzáles, writer and journalist (kept in jail for more than 20 years); Mr. Ramón Hurtado, journalist; Mr. Joaquin Gabaldon, agricultor; Mr. Casimiro Vegas, merchant; Dr. Paez Pumar, lawyer, and many others.

I am sorry the short time at my disposal don't permit me to mention the hundreds of names of the young students, many of them under 15 years of age.

Almost all the members of my family have been victims of this appalling régime of despotism. Some of them, like Gen. Román Delgado Chalbaud, have been kept for more than 14 years in prison without legal cause, with irons and chains on their feet.

The Venezuelan people wish only that the civilized countries of the world, taking notice of these practices of barbarism, deny their aid and support to the criminal dictator, Juan Vicente Gomez. This would be enough for our hopes. In such a case Venezuela shall know how to recover its liberty.

The manifestations of protest held in Caracas against the iniquities of the dictatorship have had in consequence the attack by the forces of the Government against the unarmed groups of people, resulting in bloody conflicts, in which men and women and children have been injured and killed in the streets.

The courts of justice, as the legislative power, and as all the other powers established by the constitution, depend exclusively on the will of Gomez, because the judges and the members of the congress, like all the authorities of the country, are appointed by himself or by his direct order.

It would be impossible to give a proper idea of the sad situation of Venezuela in the short space of a letter.

Sincerely yours,

P. J. JUGO DELGADO.

CONDEMNATION OF LANDS AT BONNET CARRE SPILLWAY, LOUISIANA

Mr. RANSDELL. Mr. President, a misunderstanding has recently arisen in connection with the condemnation of land by the Federal Government for the construction of a spillway at Bonnet Carre, on the Mississippi River, a short distance above the city of New Orleans, which I feel should be cleared up for the benefit of Congress and the people of the Nation. That misunderstanding grew out of a statement recently issued by Representative STONE, of Oklahoma, a member of the Flood Control Committee of the House, to the effect that he had been informed by an official of the Department of Justice over the telephone that the property owners of the Bonnet Carre spillway were organized to mulct the Government and that serious consideration was being given to the suspension of work on the spillway until the lands could be acquired at reasonable prices.

That statement, which was given wide publicity, not only caused much indignation in Louisiana but produced a feeling of deep alarm among the citizens of New Orleans and the lower valley, who regard the work now being prosecuted at Bonnet Carre as an insurance against the recurrence of the awful catastrophe of 1927 along the main river below Baton Rouge, when floods of great volume swept down upon them.

Mr. President, I believe that my record in connection with legislation affecting that mighty river is sufficiently well known to permit me to say that if there was in fact an attempt to hold up the Government in its efforts to acquire the necessary lands to put through this program of protection mine would be the first voice raised against it.

If, on the other hand, an attempt is being made by men in high station to create a feeling of insecurity, and, in the resulting hysteria, to force honest men to surrender their property at less than its fair value under all the rules and conditions that prevail when the Government goes into the market for such purposes, it would be my duty to defend my constituents and friends from the innuendoes and unfair charges that have been leveled at them. And in the event of failure so to do I would feel recreant to my trust and no longer worthy to represent in the Senate of the United States the State of Louisiana and its metropolitan city that are so vitally concerned in this matter.

It is fortunate, Mr. President, that this subject was given a full and fair investigation last week by the House Committee on Flood Control, at which Representative STONE and an official of the Department of Justice participated. The Chief of the United States Army Engineers, Gen. Lytle Brown; the Army engineers in charge of the several districts along the Mississippi River; the chief State engineers of Louisiana and Mississippi; the engineers of the various railroad systems in the valley; Mr. James P. Kemper, an eminent civil engineer of New Orleans, who was chairman of the board appointed by the Federal court to appraise the values in the Bonnet Carre spillway; and other witnesses were heard.

Unfortunately, those hearings have not yet been printed, but in the interest of justice and in order that Congress and the country be correctly informed on this highly important subject I think that at least the instructions of Federal Judge Borah to the board of appraisers and the report of that board should be printed in the RECORD as part of my remarks.

I believe that no fair-minded person can read them without feeling that a great injustice has been done to some of the most worthy citizens of my State, and that the sentiments expressed by Congressman Cox, of Georgia, of the Flood Control Committee, at the conclusion of Mr. Kemper's statement will be universally approved.

There is another reason, Mr. President, why I wish to make this matter clear. The publicity sent out from Washington was calculated to make the people of the Nation believe that a conspiracy is on foot to hold up the Government by demanding exorbitant prices for the large area of swamp and other lands that will be required for all of the proposed spillways, containing in the aggregate several million acres in addition to Bonnet Carre. If any such conspiracy were attempted in these areas, which have no value except for agriculture, timber, and possibly for minerals, it would mean that the Public Treasury might be in danger of being mulcted of many millions of dollars.

But no such conspiracy prevails as to Bonnet Carre or any other lands in Louisiana. The Bonnet Carre section has ceased to be agricultural and is part of what has recently become one of the most active and highly developed industrial regions in America. Roughly speaking, the area involved in the Bonnet Carre spillway is about a mile wide and about 6 miles long, containing from 6,000 to 7,000 acres, connecting the Mississippi River with Lake Pontchartrain. To the north of it, in the city of Baton Rouge, the Standard Oil Co. has erected the largest oil refinery in the world and made it the home port for its immense fleet of ships that bring in crude oil from the foreign fields and carry the finished product to all countries. Just to the south of the spillway, practically within a stone's throw of it, the Shell Co., a subsidiary of the Standard Oil Co.'s great foreign rival, the Royal Dutch Shell Co., has just erected its own colossal refining plant. Most of the other large oil companies have erected similar refineries in the same neighborhood, nor is the petroleum industry the only one that has settled in this stretch because of the unrivaled opportunities it affords for ocean, inland water, and rail transportation. In short, that narrow strip of land along the Mississippi River between New Orleans and Baton Rouge which the Bonnet Carre spillway bisects, and which was formerly the sugar bowl of Louisiana, has practically ceased to be a cane-producing area and within the past two decades has developed into one of the most active industrial regions in America. It is in the very center of this highly desirable industrial area that the Bonnet Carre spillway is located, and I ask to insert in the RECORD an extract from the instructions of the Federal judge to the appraisal board as to the factors that should guide them in making their award.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

INSTRUCTIONS OF JUDGE BORAH

Under the Constitution of the United States, owners who are deprived of their land or their property by the Government in its exercise of the right of eminent domain are entitled to just compensation for what is taken from them. The just compensation required by the Constitution must be a full and perfect equivalent for the property taken. The owner is entitled to receive the value of what he has been deprived of and no more. To award him less would be unjust; to award him more would be unjust to the public. Obviously the value of property may be greater or less than the cost, and this is true of contract rights and other intangibles as well as of physical things. It is the property and not the cost of it that is protected by the fifth amendment.

In determining the value of land appropriated for public purposes the same considerations are to be regarded as in a sale of property between private parties. The inquiry in such cases must be, What is the property worth in the market, viewed not merely with reference to the uses to which it is at the time applied but with reference to the uses to which it is plainly adapted; that is to say, what is it worth from its availability for valuable uses? Property is not to be deemed worthless because the owners allow it to go to waste, or to be regarded as valueless because he is unable to put it to any use. Others may be able to use it and make it subserve the necessities or convenience of life. Its capacity of being made thus available gives it a market value

which can be readily estimated, and the compensation to the owner is to be estimated by reference to the uses for which the property is suitable, having regard to the existing business or wants of the community, or such as in your judgment may be reasonably expected in the immediate future.

* * * * * * *

I charge you that in the event that the entire tract of land of an owner is taken the compensation that he should receive is the fair market value thereof as of the date of taking. The market value of the property is what it will bring if it is offered for sale by one who desires, but is not obliged, to sell it; and is bought by one who is under no necessity of having it. In other words, ask yourselves this question: What would a prudent man needing the land for residence, agriculture or industry, or any other purpose pay for it in cash or terms equivalent to cash? You should not place a value upon the land upon the basis of what one might be willing to buy it on time for speculative purposes.

* * * * * * *

If you find that timber, crops, buildings, or other improvements are owned by parties other than the owners of the fee-simple title to the land, it will be necessary for you to arrive at their value apart from the value of the land itself so that the proper awards may be made to the owners of such property.

You are instructed, after you have heard the evidence and viewed the premises and ascertained the compensation due the owner, to make a report of your finding to this court. This report should contain a description of the land condemned with its acreage, which description may be given by reference to some description or map in the record. The value of the property actually taken and the damages to other property should be set out separately. The allowance for damages or benefits should be itemized so as to show the subjects or items for which allowed. If there is a dispute as to the ownership, you should so report, not attempting, however, to pass on the merits of the claims. The report in each specific case should be signed by you as commissioners.

WAYNE G. BORAH,
United States District Judge.

NEW ORLEANS, LA., *September 3, 1929.*

STATEMENT OF JAMES P. KEMPER

Mr. RANSDELL. I have here, Mr. President, a statement prepared at my request by Mr. James P. Kemper, civil engineer, of New Orleans, who was chairman of the board to whom Judge Borah gave these instructions. I ask that the statement may be printed in the RECORD as a part of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The statement referred to is as follows:

I came to Washington June 9, 1930, because Congressman STONE, of Oklahoma, stated that he had been informed by the Department of Justice over the telephone that the property owners in the Bonnet Carre spillway were organized to rob the Government and that serious consideration was being given to the thought of suspending work in the spillway until lands could be acquired at reasonable prices.

As chairman of the appraisal commission that recommended the awards upon which this charge was founded, I came to Washington and asked to be heard by the Flood Control Committee of the House.

I read the instructions from the judge to the commissioners to the committee and then proceeded to show that under our oaths we were obliged to make our awards conform to our instructions. We gave consideration to every factor which went to make up values.

There were two distinct problems. On the river front the lands consisted of one big plantation (Diamond), which was bought in 1926 by Alfred and George Danziger and J. J. Jacobson, all New Orleans real-estate men, from the Godchaux people, strictly sugar producers. The Godchaux sold because the old variety of cane had put all the sugar people in distress and they needed the money badly. The Danzigers and Jacobson bought because they saw a chance to get valuable river front industrial property at a price which they considered very cheap ($87 per acre for 1,700 acres of open cultivated land and 1,100 acres of woodland in the rear).

The other properties at the river front were mostly small farms on which the owners resided and earned their livelihood. One of them was a plantation of 920 acres belonging to 10 direct heirs of their parents. They had all been born and reared there, and on the death of their parents divided the property into 10 equal tracts on paper, but still used it as one plantation. Nine of the heirs lived on the property with their families.

When the Mexican Petroleum Co. came into that territory in 1914 they bought their site for $43 per acre. The New Orleans Refining Co. two years later paid $55, and the industrial price of that land steadily rose until the most recent sale about a year ago was $650 per acre for 30 acres by the Schell Petroleum Co., a little more than a mile from the spillway.

In order that this industrial value should not be considered the Army engineers did not have the batture on the river front condemned, the purpose being to depreciate the property by holding that the lands being condemned had no connection with the river. Our commission properly added the batture to the properties on the grounds that it should not be robbed of the value attributable to the river communication.

The Army engineers did not at first condemn the interior of the flood way but only strips 1,600 feet wide along its sides where the guide levees are being built and a similar strip fronting on the side of the highway away from the river where the spillway itself is being built. It was contended that during the construction period this interior flood way and batture were not needed by the Government, hence it was not necessary to condemn them at this time. No consideration whatever was given to the fact that the property owners had been divested of their homes and barns, their drainage had been intercepted, and their property thrown open to the vandalism of hundreds of transient workmen and their families.

It was purely a coercive measure which the commissioners promptly disapproved by valuing the interior lands and batture along with the other, and under our instructions we assessed damages against them to the extent of 80 per cent. Shortly thereafter orders were issued from the War Department to condemn the flood way and the commissioners recommended paying the remaining 20 per cent deducted from the first award. The batture lands had not been condemned when last heard from there.

Under their contention that the river-front property was industrial the property owners produced all the industrial sales in that territory beginning with the one to the Mexican Petroleum Co. in 1914.

On the other hand, the Government expert, Mr. Mattingly, selected only agricultural sales and refused to consider industrial sales at all. After considering all the sales and visiting and closely studying the land and surroundings the commissioners decided that the lands were properly classified as industrial property, which may be continued in its use as farming lands until an industry wanted it badly enough to pay more than its farming value.

On the lake front the situation was entirely different. The land being wooded land too low for natural drainage has no present earning capacity. Its usefulness is entirely in the future, after the completion of the Hammond Highway and after it is drained. Its investment value is there now. This the commissioners put at $130 per acre average after giving consideration to every phase of the subject. The Government contends it was swamp, fit only to hold up slow-growing trees. If such were true, it would be worth not more than $2.50 per acre and the Government assigned a value of $20 to it. While Mr. Guste paid only $21 per acre for this land, almost immediately after his purchase prices jumped skyward when it became known that the Lake Shore Highway would be built.

A property immediately above the spillway running from the lake back for 3 miles sold early in 1926 for $300 per acre. Properties near the Frenier about 2 miles above the spillway sold as high as $600 to $700 per acre in 15 or 10 acre units. Below the spillway 3 or 4 miles three tracts extending back a half mile from the lake sold for $950 per acre, and still further toward New Orleans, in Jefferson Parish, William Mason Smith paid over a million dollars at $331 per acre for a tract extending back more than 3 miles from the lake through the marsh. While no such prices could be had to-day, the owners are not offering these lands for lower prices, but are waiting until normal conditions return. The commissioners could not wait. They had to study their instructions and remember their oaths and render their awards in accordance therewith.

While the 1926 and 1927 prices were evidently too high, it surely would not be just to force these lands onto to-day's market. It was a case of using one's integrity and judgment. This the commissioners did, and awarded W. J. Guste et al. $130 per acre, about 40 per cent of what he asked.

This award was turned down by Judge Borah on the grounds that erroneous principles were employed in reaching this value. The commissioners thought they were right, refused to change their decision and were relieved of their commissions.

On the river front the awards given have not yet been confirmed or rejected by the judge, except two small tracts which were taken by the Government at a small percentage (about 4 per cent) less than the awards recommended by the commissioners.

The chief fight is in the lake-front lands.

J. P. KEMPER.

Mr. RANSDELL. Mr. President, I think that the Senate will be interested in knowing that at the conclusion of Mr. Kemper's rigid examination by the House committee, which extended over two days, Representative Cox, of Georgia, conducted a very searching questioning of him which I ask to print in the RECORD as a part of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

Mr. Cox. Mr. Kemper, I have no disposition to impugn your motives, of course. I do not intend by innuendo or otherwise to impeach your integrity. I have known you for more than two years. You have been

a frequent visitor here to Washington and have been with this committee a great deal. I think I have formed a pretty accurate estimate of your reliability and honesty, and I regard your character as excellent and your ability as of very high order.

Mr. KEMPER. I certainly appreciate that statement.

The CHAIRMAN. Now, you want to beware.

Mr. Cox. I have no animus, and I have no disposition to give impetus to this propaganda, if it be propaganda, that is being broadcasted to the effect that New Orleans and the people in that area are undertaking to hold up the Government for an unconscionable price for land to be taken by the Government for use in this proposed project. I take it you are all concerned that fair treatment be accorded both to the landowner and to the Government; and it is easy for me to understand that when you come here with the report showing that you have allowed an average of one hundred and thirty some odd dollars per acre for land which was appraised for purposes of taxation at $15 per acre, the query immediately arises whether you have not overvalued the land, and yet I can thoroughly understand that so far as the adjudication of these questions are concerned it is a local issue between the parties down there submitting their case to the court.

* * * * * * *

Mr. Cox. Let me say to you, Mr. Kemper, and I do not wish to extend my examination of you at this time, no matter how great the shock to the sense of fair play of the uninformed, it occurs to me that the disclosure made in your testimony as to the values of similar property shown by evidence adduced before your board, that if there has been a disposition to suspect that the Government was overreached in your consideration of these problems, that dissatisfaction wih your finding and that this complaint against the board should be quieted, and justice demands the statement that under the showing made before this committee it can not fairly be said that your award was not representative of true or fair value.

Mr. KEMPER. Judge Cox, we did our best, and we were three honest men, and none of us had any interest in it. So that if we have erred it has been an error of judgment, and I tried to make that clear.

Mr. RANSDELL. I may add, Mr. President, that had opportunity been afforded for Mr. Benjamin Crump and Mr. William T. Coates, the other two members of the commission, to have appeared before the committee, they would have undoubtedly produced the same impression as Mr. Kemper. These other two gentlemen rank high in the business and professional life of New Orleans, where they live and are known, and I feel that I am only rendering them simple justice in view of the aspersions cast on their findings in making the facts known to the Senate.

At this point, Mr. President, I ask to insert in the RECORD as a part of my remarks, a copy of the minutes of the United States district court at New Orleans showing the instructions of Judge Borah.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

JUDGE BORAH'S INSTRUCTIONS

The following commissioners, James P. Kemper, chairman, Benjamin Crump, jr., and William T. Coats, were appointed by the Hon. Wayne G. Borah, judge in and for the eastern district of Louisiana, in the proceedings for condemnation of lands in the Bonnet Carre spillway area. They were called to court on Tuesday, September 3, 1929, at 2 p. m., and received the following instructions:

Proceedings have already been instituted in this court for the acquirement of certain parcels of land which, in the opinion of the Secretary of War and the Chief of Engineers are needed in carrying out the Bonnet Carre spillway project. You have in turn been appointed by the court for the purpose of ascertaining the value of the property and the compensation to be paid. You have been convened this day to receive general instructions from the court which, it is hoped, will facilitate you in the work which you are now ready to undertake. From the very nature of things, the instructions which I shall now give you will be general. It would be quite impossible to deliver at this time instructions so comprehensive in their nature as to meet all future and unforeseen contingencies; therefore, I say to you at the beginning that I shall entertain, upon proper motion, any requests which you may subsequently make for additional specific instructions.

Under the Constitution of the United States, owners who are deprived of their land or their property by the Government in its exercise of the right of eminent domain are entitled to just compensation for what is taken from them. The just compensation required by the Constitution must be a full and perfect equivalent for the property taken. The owner is entitled to receive the value of what he has been deprived of and no more. To award him less would be unjust; to award him more would be unjust to the public. Obviously, the value of property may be greater or less than the cost, and this is true of contract rights and other intangibles as well as of physical things. It is the property and not the cost of it that is protected by the fifth amendment.

In determining the value of land appropriated for public purposes the same considerations are to be regarded as in a sale of property between private parties. The inquiry in such cases must be, What is the property worth in the market, viewed not merely with reference to the uses to which it is at the time applied but with reference to the uses to which it is plainly adapted; that is to say, what is it worth from its availability for valuable uses? Property is not to be deemed worthless because the owners allow it to go to waste, or to be regarded as valueless because they are unable to put it to any use. Others may be able to use it and make it subserve the necessities or convenience of life. Its capacity of being made thus available gives it a market value which can be readily estimated and the compensation to the owner is to be estimated by reference to the uses for which the property is suitable, having regard to the existing business or wants of the community, or such as in your judgment may be reasonably expected in the immediate future.

You should consider any sworn testimony which shows or tends to show the value of the lands condemned and damages directly caused thereby. The opinion of competent expert witnesses, if tendered by either party, should be heard by you as to the value of the property taken. You are instructed to consider, if and when offered, evidence as to the physical characteristics of the land, the crops, timber, buildings and improvements thereon, and other factors that tend to show the value of the land; the situation of the land, the price for which the land was bought, if sufficiently recent to throw light on present values, the price at which land of the same value and sufficiently near to indicate the value of the tract taken has been sold, and any other bona fide valuations placed on the land by the owners or other parties which tend to show the fair market value, the use for which the land is naturally adapted and for which it is presently available; provided its speculative and remote use is not to be considered. You may also consider as a circumstance which may or may not indicate value the assessments which have been made for taxation purposes. You are not, however, to consider the fact that this land has been chosen as the site for the construction of a public improvement as that fact has no relationship to the question of value.

In arriving at values in damages you are to hear evidence consisting of the sworn testimony of witnesses and the exhibits offered in connection therewith, and further you are to go upon the premises and inspect the property and you are instructed to consider the testimony of the witnesses in connection with what you see on viewing the property. When you go on the premises for a view you should go in a body and not separately. You should refrain from discussing the question of values and damages with either party or his representatives, in the absence of the opposing party or his representatives.

I charge you that in the event that the entire tract of land of an owner is taken the compensation that he should receive is the fair market value thereof as of the date of taking. The market value of the property is what it will bring if it is offered for sale by one who desires, but is not obliged, to sell it; and is bought by one who is under no necessity of having it. In other words, ask yourselves this question: What would a prudent man, needing the land for residence, agriculture, or industry, or any other purpose, pay for it in cash or terms equivalent to cash? You should not place a value upon the land upon the basis of what one might be willing to buy it on time for speculative purposes.

In the event that a part of a tract of land is taken for public uses, the just compensation to which the owner is entitled includes damages, if any, to the remainder of the tract resulting from the taking, as well as the value of the land taken. You must determine how much less the tract is worth with a piece taken out of it and public works erected on it. What are the damages to the remainder of the tract by the taking of a parcel from it and the construction and the use thereon? The damages are such as directly result from the taking and construction and use. Remote and fanciful damages are not allowable and are not to be considered by you.

If you find that the whole or a part of a particular tract of land is taken, you will not consider any damage or injury to the other separate and independent tracts belonging to the owner which result from the taking and public works. The owner is not entitled to any compensation for such damages as may result to a separate and independent tract. You are to determine whether a tract is a separate and independent tract or a portion of the tract taken by considering the character and purpose of the holding by the owner, the unity of use of the tracts, the physical relationship of the tracts, and the nature and type of the land in the tracts. In this connection you are instructed in arriving at your award to likewise consider any benefits that may result to the remainder of owner's tract because of the taking and the construction of the public works thereon. The Government will be entitled to a set-off for such benefits and you are to determine what benefits, if any, may directly result and set them forth in your report. However, you are not to consider at this time any damages that may subsequently arise from the operation of the spillway when completed, for those damages will not be in esse until the spillway is in operation nor are you to consider any damages from any taking or construction or use except those caused to the tract by the taking of the parcel from it and the

construction thereon and the use thereof. In other words, such use and erection of public works as the Government may make of or on tracts of other owners are not to be considered by you in arriving at your award in damages.

The owners of any easements or rights of way on or across the parcels condemned are entitled to the reasonable cost of any necessary change of structure and location caused by the taking and construction on the parcels and the use thereon and, in addition, the cost of any safeguards that may be essential for their protection. There should be a set-off of any benefits to such owners because of the taking and construction and use.

If you find that timber, crops, buildings, or other improvements are owned by parties other than the owners of the fee simple title to the land, it will be necessary for you to arrive at their value apart from the value of the land itself so that the proper awards may be made to the owners of such property.

You are instructed after you have heard the evidence and viewed the premises and ascertained the compensation due the owner to make a report of your finding to this court. This report should contain a description of the land condemned with its acreage, which description may be given by reference to some description or map in the record. The value of the property actually taken, and the damages to other property should be set out separately. The allowance for damages or benefits should be itemized so as to show the subjects or items for which allowed. If there is a dispute as to the ownership you should so report, not attempting, however, to pass on the merits of the claims. The report in each specific case should be signed by you as commissioners.

WAYNE G. BORAH,
United States District Judge.

NEW ORLEANS, LA., *September 3, 1929.*

Mr. RANSDELL. Mr. President, while Mr. Kemper testified that the board had made a report to Judge Borah, the text was not offered at the hearing before the House Committee. In answer to members of the committee, however, he explained in detail the methods that the board had followed. In part he said:

Gentlemen, the nature of these river-front lands is that they have been cultivated beginning about 200 years ago. There have been people living on that river front for nearly 200 years. The depth of those farms has been carried gradually back until the rear now of those lands which are high enough to be naturally drained average pretty nearly 2 miles. Of the 7,600 acres in the entire spillway there are probably 3,000 acres that are open, cultivated front land, and 4,600 acres are the low woodlands in the rear, some of which is quite low, some of which is high enough to cultivate if cleared, but it is not an attractive agricultural proposition. Consequently, it has not been cleared for cultivation. There are also drainage difficulties that interfere with the clearning further back of some of these lands. However, there are roughly 3,000 acres of high lands fit for cultivation under natural drainage, and, say, 4,600—those are approximately figures—of the lowland in the rear which are not fit for cultivation and habitation until artificially drained.

Now, the spillway takes in a great many owners on the front. All told there are about 75 owners of lands within this spillway area, some small and some large; and there were about 15 lawyers employed in these hearings. When our hearings were opened we were confronted with the proposition of condemning a tract about 1,500 feet wide, extending back from the main highway on the front, back 1,500 feet, and that was for the spillway structure. We were also asked to condemn a tract about 1,600 feet wide, extending from this structure to the lake on both sides, above and below. That was the area from which would be built the guide levees. This entire interior area here [indicating on map] was not to be condemned at that time. The river front from the highway to the river was not to be condemned either.

Now, then, the landowners immediately clamored for the condemnation of the interior lands, or, in the absence of that, they demanded we assess damages upon them, because they were unfit for their use in any manner, shape, or form. The Government attempted to justify the fact that they were still usable and could be used by the owners. But we found that all of the improvements—the homes, the barns, and the equipment of all of the owners were right on the front, within the area that was being condemned for the spillway structure, and, consequently, that it was utterly impracticable to use those back lands in their condition. This was in conformity with the Government's plan of dividing the project into two operations—construction and operation. It was evident to anyone who had known anything about farming that these people could not under the handicap, with their homes gone and all of their equipment gone, with a gang of workmen working right across the front of their tract—there was no practical way that we could see that these interior lands could be utilized to any advantage.

The Government strove to show that ramps could be built over these levees on both sides, and the men could take their teams in and work them and then take them out again. But considering the difficulties under which farming is carried on normally it looked utterly impracticable to us.

The river-front lands, between the highway and the river, the Government was not condemning those lands. Well, now, the owners claimed the values of these lands were industrial, largely so. The chief asset to an industrial value of land is the river. Cut them off from the river and their industrial value disappears. It is the fact that boats come up to the river front of those lands that would give them any industrial value whatever, and that was what we were confronted with.

We just promptly stated that those lands between the road and the river should be included at this time in order that their industrial value could be effective, because otherwise the landowner would not be getting a square deal.

So in our first award, which was the Kugler properties, we awarded, in addition to the value of the lands which they had in the guide levee and in the spillway structure—we just put the river fronts back into the land in order that it should retain its industrial value, and we also assessed damages to the amount of 80 per cent on the interior land. After that, the interior land was condemned, but this river-front land has not to this day been condemned, or had not when I last heard of it before leaving New Orleans.

The question of whether that land belongs to them or not came up. I have had lots of experience on land matters as an engineer, not as a lawyer. but I have been in court a great deal and have heard it talked a great deal, and I do know that the original ownership of these lands was Spanish grants—grants from the Spanish Crown. You see, from 1762 until 1801 Louisiana belonged to Spain. There was an era prior to that when it belonged to France, and then for a very short era it belonged to France again before the United States acquired it. So all those river-front lands are Spanish grants, extending back 40 arpents, or an additional grant of another 40 arpents, making 80 arpents. Forty arpents is a few hundred feet less than a mile and a half. So when a man has so many arpents front, and if it is 80 arpents deep, his tract is 3 miles deep.

Those grants extend from the bank of the river, and they say that low-water mark is the bank of the river, and it carries on it its servitude for a road and levee. That servitude undoubtedly belongs to the Government, the right for the road and the levee. But there exists also the rights of the owner to reach the river bank, and we could not assign a fair value to that land unless we reinstated those lands and put them back. So we put them in in order to give a potential industrial value to that land for those people, because we thought otherwise an injustice would be perpetrated upon them.

The CHAIRMAN. Now, tell the committee how you arrived at the value.

Mr. KEMPER. The value of these lands: The contention of the property owners was that the values were industrial and the contention of the Government was that the values were agricultural. So we were presented with sales, many of them selected by the Government expert, Mr. Mattingly, as agricultural sales, and other sales were presented by the landowners, most of which—the best of them—are industrial sales.

I compiled from those sales—Mr. Mattingly presented 10 sales which he considered the basis—Mr. Mattingly is the Government expert on land—which he considered was a fair basis. Let me see if I can not find it [referring to book].

Well, now, here is what happened industrially as to those lands, and I will read them to you. The Mexican Petroleum Co. in 1914 purchased a tract of land of 5,100 feet frontage by 40 arpents depth from the river—40 arpents is equal to a mile and a half deep—containing 1,012 arpents, at a price per acre of $43, and it was 5 miles below the spillway.

The Shell Petroleum Co., which was the New Orleans Petroleum Co. formerly, in 1916 purchased a tract with a river frontage of 1,380 by 40 arpents deep, containing 366 acres, for which they paid $65 an acre, and it was 1 mile below the spillway.

The Island Refining Co. in 1912 purchased 700 acres—I have not the exact frontage and depth—at $65 per acre, and it was 1½ miles below the spillway.

The general American Tank Car Co. in 1918 purchased 1,000 feet frontage on the river by 60 arpents deep, 292 acres, for $100 an acre, and that is 1½ miles below the spillway.

Mr. WHITTINGTON. What year was that?

Mr. KEMPER. That, 1918.

Mr. WHITTINGTON. That was during the war. Things were higher then.

Mr. KEMPER. It was during or before the war. I started this in 1914, when the first industrial development went into that country, and I am giving the industrial development consecutively from then to date.

The CHAIRMAN. Is that the list furnished you by Mr. Mattingly?

Mr. KEMPER. No, sir; this is a list made from Mr. Rowan's testimony, who testified for the landowners, and this is an industrial list.

The CHAIRMAN. All right.

Mr. KEMPER. Lassaigne-Rowan & Smith in 1919 purchased a tract 50 arpents deep, containing 488 acres, at $115 per acre, and it is 7 miles below the spillway.

The Carson Petroleum Co. in 1921 purchased a tract fronting 2,000 feet on the river by 80 arpents deep—you are going back 3 miles this time—containing 488 acres, for $205 per acre, and it is 7 miles below the spillway.

Frank Gendusa in 1921 purchased a tract having a frontage of 192 feet on the river by 80 arpents deep, containing 67 acres, at $348.83 an acre, and it is 5½ miles below the spillway.

The Marland Refining Co. in 1921 bought a tract fronting 1,000 feet on the river, running back 80 arpents, or 3 miles, containing 229 acres, for $190 an acre, and it is 5¼ miles below the spillway.

The Southern Carbon Co. in 1924 bought a tract fronting 700 feet on the river by 12 arpents deep—this is a short tract now, close to the river—and this contract contained 38 acres, at $394 an acre, and it is 6 miles below the spillway.

Rowan & Lassaigne in 1921 bought 3,300 feet frontage on the river by 80 arpents deep, containing 834 acres, at $149 an acre, and it is 5 miles below the spillway.

The Illinois Central Railroad in 1924 bought a small tract of 4.48 acres, which is only 1 mile below the spillway, for $1,116 an acre. I do not attach any importance to that. They wanted it for a switch track. But I just put it in because it was there.

Alfred Danziger in 1926 bought a tract with 1,920 feet frontage on the river by 80 arpents deep, containing 600 acres, for $183.33 an acre, and it is 4½ miles below the spillway.

Mr. WHITTINGTON. Does that extend from the river to the lake?

Mr. KEMPER. It extends from the river back whatever depth I give, to the maximum I gave.

Mr. WHITTINGTON. I am sure I understood the depth you gave, and what I asked you was if that depth went to the lake.

Mr. KEMPER. No, sir; the lake is about 6 miles.

Mr. WHITTINGTON. What I meant to ask you was if this land was cleared.

Mr. KEMPER. Some of it. When you get back 80 arpents you get into the lowlands. It varies. An 80-arpent tract will always go into the lowlands some, and a 40-arpent tract might not reach the lowlands.

Mr. WHITTINGTON. In other words, these lands referred to as industrial lands do not extend to the lake front on the east?

Mr. KEMPER. No, sir; not to the lake and not more than halfway to the lake.

The CHAIRMAN. If you will pay attention to me we will get along. If you do not care to pay attention to me, I will turn you over to the mercy of the committee.

Mr. KEMPER. The West Court Kalsomine Co. in 1928 purchased 4 acres at $500 an acre on the Y. & M. V. Railroad. That was neither on the river nor on the lake—I do not mean——

The CHAIRMAN. Go ahead. Never mind what anybody says to you on the side.

Mr. KEMPER. That was a mile and a half below the spillway, and they paid $500 an acre for it.

The last sale of any consequence is that of the New Orleans Refining Co. in 1928—which is now the Shell Petroleum Co.—who bought a tract of 425 feet frontage on the river, and it was 40 arpents deep—there is an error, because it contains 30.48 acres—at $650 per acre. That is the most recent sale made there, and it was a tract which the Shell Petroleum Co. wanted, because it was valuably situated. That is the industrial value of land.

The CHAIRMAN. Wait a minute. Is that the list that you used as a basis for fixing valuation?

Mr. KEMPER. Not entirely.

The CHAIRMAN. What the Government presented?

Mr. KEMPER. That was, you might say, the industrial list presented by the property owners.

The CHAIRMAN. What list did the Government present?

Mr. KEMPER. The Government presented this list:

"Edward Cambre from George Lassaigne, August 16, 1928, purchased a tract of 40 arpents deep, containing 24.97 acres, for $180 an acre, and that was in the spillway area. That was in 1928, but these others are in 1923.

"Edward Cambre from A. Lassaigne, June 13, 1923, 40 arpents in depth, contain 49.89 acres, at $80 an acre, in the spillway.

"Salvallggio from A. Lassaigne, June 5, 1923, 40 arpents in depth, containing 22.06 acres, at $121 an acre, in the spillway. All of these are in the spillway proper.

"Edward Cambre from A. Lassaigne, August 9, 1923, 40 arpents in depth, containing 24.89 acres, at $117 per acre, in the spillway.

"F. Simoneaux from A. Lassaigne, August 9, 1923, 40 arpents in depth, containing 32.25 acres, at $102 an acre, in the spillway.

"Leopold LaBranche from A. Lassaigne, July 9, 1925, 40 arpents in depth, containing 16.32 acres, at $110, in the spillway.

"Alcide Bourgeois from Charles Boudreaux, August 19, 1926, 40 arpents in depth, containing 12.21 acres, at $102 an acre, in the spillway.

"The Blythe Co. from Alfred Danziger, November 15, 1922, containing 193.43 acres, at $142 an acre, 3 miles below the spillway.

"Walter Hebert from Godchaux Sugars (Inc.), May 17, 1929—just about the time or just before it was presented to our commission—purchased a tract with 102 feet frontage on the river, 50 arpents in depth, containing 40 acres, at $200 an acre, and it is a half mile below the spillway.

"Peter Barreca from Peter Ribardo, purchased August 9, 1929, 20 arpents in depth, containing 18 acres, at $111 an acre, one-half mile below the spillway, but it does not come to the river."

Now, Mr. Mattingly, the expert for the Government presented these values of lands which are all agricultural—those are all farm lands, all used for farming, and nearly all, you will notice, small tracts. He stated his appraisal was made entirely upon the availability for agricultural purposes.

The CHAIRMAN. All right, now. Mr. Kemper, what, if anything else, did you consider? Gentlemen on one side stated it was agricultural; the others said it was industrial. What else did you consider?

Mr. KEMPER. Then we went upon the ground and examined it as to its facilities, its accessibility. It has the Jefferson Highway on the front; it has the Airline Highway, which cuts the distance from New Orleans to Baton Rouge down from 105 to 85 miles, running through the entire area. It has the Yazoo & Mississippi Valley Railroad running through near the front; it has the Louisiana & Arkansas running through it near the rear; it has a natural gas line running through it; it has high-pressure power lines running through it. Then these witnesses were presented to us showing all of these facts—officials of the Illinois Central Railroad, giving their testimony as to its industrial or agricultural value.

The CHAIRMAN. Then you classified it as industrial property?

Mr. KEMPER. We decided it was primarily industrial property.

The CHAIRMAN. Now, then, how did you arrive at the specific amounts you reported? You found it to be industrial property, as you reported?

Mr. KEMPER. Well, we did that by putting our heads together, and figuring on all these facts pertaining to these values.

The CHAIRMAN. Did you average those?

Mr. KEMPER. We averaged them, and we took advantage of the proximity as to the time and place, and used our judgment on the matter.

Now, gentlemen, there are limitations to agricultural values—I mean as to what a farmer can pay for a piece of land—but there are no limitations upon what an industrial company could pay for those lands if they needed them bad enough. From the industrial viewpoint, we took into consideration the location of these lands, and we put them in competition with other similar lands. These are not the only industrial lands there are, but they are splendidly situated relatively better than most of them. They are on an extraordinarily good bank. The very fact that this was an extraordinarily good bank is what made them select it for the spillway, which was very proper to select it for the spillway, but the same advantage to the spillway also reacted to the property owners, and that is why I stated in justice to the property owners that value must be considered.

Mr. REID. What did you report—how much did you report?

Mr. KEMPER. Take the Kugler heirs, for instance, a family of 10, 920.69 acres, and we awarded them at the rate of $217.74 per acre. There are eight of those tracts that have residences upon them. There are 10 heirs. Those children were born there. It was their parent's sugar plantation, and they all, I think, with but one exception, live there on that property. They all own their homes, and some of those improvements are very excellent. They are old family residences, splendid houses, and they are out of debt, do not owe a cent. They were living there, earning a livelihood on that property, just as they had all of their lives, and they are now evicted; and we figured that $217 an acre was not in any wise excessive. It was a reasonably fair price.

And, as against the argument that there was not anybody putting industries in there at this time, considered that; but we said they can go and live on his farm, as they have done all their lives. If you dispossess them, what must they do? They ought to be allowed to go and get at least a perfect equivalent of what they have now, in their new home; and we figured in order for that to take place they would have to have the price we put on it.

The CHAIRMAN. That is, $217. Give us some of the others.

Mr. KEMPER. The Diamond plantation, which belongs to Messrs. Jacobson and Mr. George and Mr. Alfred Danziger.

The CHAIRMAN. Where is that located?

Mr. KEMPER. It is the biggest property on the river front in the spillway area. It was a large sugar plantation. It belonged to Godchaux, one of the best improved sugar plantations in the country, extensively improved as to drainage and houses. There is a stable there, which must have cost at least $12,000 to $15,000 to build. But the sugar industry has had terrible backsets, as diseases got into the sugarcane. This plantation when I first knew it, in 1911, was yielding an average of 20 tons an acre. By 1915 or 1916 they were not getting 7 tons to the acre. Now, there is a new sugarcane variety which has been introduced——

The CHAIRMAN. What is the name of that?

Mr. KEMPER. P. O. G. The new variety of cane had not come into existence, and the Godchaux, the biggest sugar people in Louisiana, were like all other sugar people, getting rapidly into a bad way, and they put this plantation up for sale—and they are sugar people, first, last, and always; and Mr. Danziger and Mr. Jacobson bought it for $237,500 cash. That was in April, 1926.

The CHAIRMAN. How much an acre would that be?

Mr. KEMPER. That was about $87, I think, offhand, an acre. That, as I say, was April, 1926.

Here is the situation: The Godchaux showed very plainly to us it was more or less of a distressed sale upon the part of Godchaux, and it was agricultural. But the Danziger and Jacobsons were none of them farmers, and they proved that the next year by trying to grow some rice and lost some money. All of that came out in the testimony. I am not divulging any secrets.

What I want to impress upon you is this: It has been argued that that sale was eloquent of value. The commission did not consider that sale eloquent of value, because they figured that the Godchaux had to divest themselves of it, and that Danziger and Jacobson bought it because they expected to make money out of it. They certainly would not have bought it for a sugar plantation if they expected to make money out of it.

The spillway takes all of their rear property and much of their unimproved property, of their front property, but it leaves outside of the spillway practically all of the buildings, barns, etc., that went to the cultivation of 1,700 acres of land. Now, they have 422 acres of land with the improvements that are necessary for 1,700 acres of land.

We assigned to Mr. Danziger's property—we did not see how we could make fish of one and flesh of the other—we tried to get a stable price of all of these front lands as nearly as we could—we assigned as nearly as possible the same value. We put a value of $175 on this land without the improvements, and the improvements on the land were very trivial, for which we only gave them $5,000, but we did give them damage for this other property, and those big buildings which were there for the purpose of farming 1,700 acres of agricultural front lands. There were 2,800 acres in the place, but there are 1,700 being cultivated in sugarcane. We damaged those buildings, which we figured were made entirely worthless. Let me find it so I can read it to you [referring to book]. We damaged these properties outside of the area $10,950. We did not damage any of these buildings along the front, which we thought they could go on—right now they are renting some of these lands to spillway people—of course, that will last a year more, and then it will cease. But with the development of that country we thought a good deal of that property they could continue to rent if they did not need the excess over what was necessary to cultivate 422 acres. We thought we would not damage them any more than we thought was fair and just, and we limited the damages to those buildings which were made useless when taking all of this agricultural property away and putting it in the spillway.

We awarded them $367,292.25, and we left 422 acres of land. That is in the same proportion, as nearly as we could divide it, with what the other people got for the same class of land on the front.

For the back land behind the air-line highway we assigned a value of $100 an acre. That seems to be the bone of contention—whether this land on the rear of the highlands is worth $100 an acre. We took the viewpoint that it classes up higher than Mr. Guste's does. But, of course, we based Mr. Guste's land on lake-shore values.

Considerable of this land is now habitable, and will be used, or could be used, I mean, without artificial drainage. But that entire tract in the rear can be drained by private plant economically, just as soon as there is sufficient demand on these front lands to warrant.

If there are industries installed on this place, the people who work in those industries will have to have homes, and we thought that back land was worth a hundred dollars an acre and that the front land was worth $175 an acre. There were very little improvements. We estimated them at $5,355 actual improvements and $10,950 damages, or a total of $16,305 for all the improvements on the Danziger property.

The CHAIRMAN. Could you give us the total amount?

Mr. KEMPER. For Danziger?

The CHAIRMAN. Yes.

Mr. KEMPER. $367,292.25.

The CHAIRMAN. That includes buildings, damages, and everything?

Mr. KEMPER. That includes everything that we awarded them.

Mr. KOPP. How much was that above what they paid a short time ago?

Mr. KEMPER. They paid in April, 1926, $237,500.

The CHAIRMAN. You have given us the lake and the river. Is there any other specimen property?

Mr. KEMPER. Well, now, there is one other class of property, and that is a small area where the guide levee of the spillway cuts across the rears of some small properties.

The CHAIRMAN. Give us some samples of that.

Mr. KEMPER. Take the Jack Mule property. On this land we encountered a condition that was different from the others. The lower guide levee of the spillway area intercepted all the drainage on the remaining portion of the Diamond plantation and all of these small properties. All of their canals lead back into the spillway area. When this lower guide levee was put along here [indicating on map], or as they begun to work on it, they filled up all these ditches, particularly one large ditch at the lower boundary of the Diamond plantation, and the effect of that was there came a big rain and the flood waters from the front ran down across the rear of these properties and damaged some of the crops which they had. The problem of settling crop damages is not an easy one. We did not give them anywhere near what they claim, but we did give them some crop damage, because the fact was perfectly plain that their drainage had been deliberately stopped. Now, upon discovering it, however, the Government put a dredge in there and cut a canal, which has cured that for the future, but the damage to some of their crops was there, and we assigned them a small value for crops.

The CHAIRMAN. What is the acreage involved?

Mr. KEMPER. That is very small; all of it is only $11,000. But the acreages are small tracts, which we granted for the land $150 an acre. It was objected that these lands were in on the rear of that property, but they front right on the new air-line highway, which passes right along them, and they were high and fit to be inhabited, fronting on that highway, and we figured $150 an acre was in line with the others, whereas one of those tracts extending to the river front was sold for $200 an acre just recently.

The CHAIRMAN. Was there any complaint about that?

Mr. KEMPER. Yes; applying to all our awards. They complained as to the award being too high and they complained also as to our giving them something for wood on the wooded portion of their land. We gave $150 an acre for their front land; we gave $100 an acre for their woodland, and we allowed them 6 cords of wood per acre on that woodland, at $3 a cord. They showed that every summer there was a good demand for cordwood, and that during the summer months they would go in there and cut the wood and haul it out and sell it at $5 a cord, at a cost of about $1.50 a cord. We had a timber estimate on it, but I could not see any value for commercial log timber. So we put that timber into cordwood and allowed them $3 a cord at 6 cords an acre, or $18 an acre for that cordwood on that property. That was also objected to. The total awards, as I say, for all the property was only $11,745.

The CHAIRMAN. Was there any other class of property?

Mr. KEMPER. I think that covers it.

There is another problem which I would like to call your attention to, and that is at the upper line of the spillway there is one tract which belonged to Sebastian Vivano and Charles Calcagno, Italians. The Government has taken their front lands, about 12 arpents deep, but they have not taken any of their rear lands. But the upper guide levee of the spillway impounds all of the drainage, not only of their lands but the large areas of other people's lands who are not considered in this spillway, and this upper guide levee, extending from the Mississippi Rivre clear to the lake, impounds drainage which we estimated at about 10,000 acres of land, which natural drainage is diagonally across this spillway, and now this area has to fill up until the water can flow over the backs of the ridges of the adjacent land and finds its way to the lake. Much of that land is going to be damaged as soon as the rainy season sets in, and Calcagno and Vivano are now damaged, but under our instructions they told us that the damage must be a part of the same land.

Now, the guide levee which damages Vivano and Calcagno's land happens to be the adjacent owner's land, we did not know what to do with it. So we made a statement of the case, and put it up to the judge. But about that time we lost our jobs. [Laughter.]

The CHAIRMAN. That in a general way is the method by which you handled these valuations?

Mr. KEMPER. The valuation of the front lands.

Mr. GREGORY. I want you to tell me the distance of the proposed spillway from the city of New Orleans.

Mr. KEMPER. Along the Jefferson Highway, which follows the meanderings of the river front 22 miles. It has three distances, Mr. GREGORY. Along the air-line highway, which is the new road being built from New Orleans to Baton Rouge, it is 17⅛ miles; along the Lake Shore-Hammond Highway, which is being built from New Orleans along the lake shore north, it is 15¼ miles; that is, from the city limits of New Orleans.

Mr. GREGORY. The Lake Shore-Hammond Highway is practically a direct line from the northwest corner of the city of New Orleans to this land you have been discussing?

Mr. KEMPER. Yes, sir; right along the lake front.

Mr. GREGORY. That is 15¼ miles from the outskirts of the city?

Mr. KEMPER. From West End. If you have ever been there, West End is a park, where you reach the lake, you understand, from the city.

* * * * * * *

Mr. GREGORY. You decided on values from an industrial standpoint?

Mr. KEMPER. On the river front; not on the lake front. They are supposed to be rural homes. The lake-front land is not industrial. The river-front land has industrial value, but industries require people to work, and those people must have places to live. They have to have their homes in order to carry on the industry, and they spread out wherever they want to go.

Mr. GREGORY. What is the first development on this Hammond Highway you have been talking about?

Mr. KEMPER. On the lake front, the Lake Shore-Hammond Highway, it is graded throughout Jefferson Parish. They are now building bridges on it.

Mr. GREGORY. Who is building them?

Mr. KEMPER. The State is building them.

Mr. GREGORY. Have contracts been let for the final completion of the road?

Mr. KEMPER. No; not for the final completion of the road, but they are building bridges on it. The contract was recently let for building bridges.

Mr. GREGORY. Is this an arterial highway, or does it just go out where this land is highly developed?

Mr. KEMPER. Oh, no; it is a through highway into the North, and it is the shortest route out of New Orleans to the North. It is going to be the highway practically all travel is over. You will go to Baton Rouge over that highway, and if you want to go up along the Illinois Central to the north it is 12 miles shorter than the present road. That is no local affair; that is a through road to get out of New Orleans into the world. It is going to be by far the most used road of all.

Mr. GREGORY. None of this land which is in this spillway, you think, is suitable for agricultural purposes, where it could be properly handled?

Mr. KEMPER. Well, I said under present conditions of agriculture, and with as much land naturally drained, not cultivated at this time, I certainly would not consider it a good business proposition to artificially drain that land for agricultural purposes.

Mr. GREGORY. If you spend the money that you say will be necessary in order to use it for industrial purposes, it would likewise be good for agriculture?

Mr. KEMPER. Not industrially; for rural homes on the lake front. We had never said anything about industrial values on the lake front. The industrial values are on the river-front land. Now, it is a fact, when this will all have been drained and the roads will communicate through from the river to the lake, people can go from one to the other, and they will spread out and some will inhabit the interior land from the lake. A poor man will buy a cheap lot and he will move into the poorer part. That is the supposition upon which the developers worked.

Understand, too, we did not consider subdivision values. All we considered was that there is the land that is available for subdivision purposes, but the prices we put on it were in no way commensurate with subdivision prices.

Mr. RANSDELL. Mr. President, these excerpts from the testimony of Mr. Kemper indicate clearly the system followed by the commissioners; and as indicated at the beginning of my remarks, I feel they can not fail to make a strong appeal to everyone who examines the matter with an open and unprejudiced mind.

RADIO ADDRESS BY SENATOR ROBINSON OF INDIANA ON LONDON NAVAL TREATY

Mr. ODDIE. Mr. President, I offer for the RECORD a very able address delivered over the radio on June 27 by the junior Senator from Indiana [Mr. ROBINSON] on the London naval treaty.

The PRESIDENT pro tempore. Without objection, the address will be printed in the RECORD.

The address is as follows:

In the few minutes at my disposal I can touch briefly on only a few points of the London naval treaty.

As a result of the Washington conference in 1921–22 the 5–5–3 ratio was established for the United States, Great Britain, and Japan. That is, five each for the United States and Great Britain and three for Japan.

While this ratio was to apply only to capital ships—that is, battleships and battle cruisers—and aircraft carriers, the same figures were accepted in principle for other categories by the high contracting parties.

As a consideration for the acceptance by Japan of this ratio, the United States agreed not to fortify the few bases we have in the Philippines and the far Pacific.

It was also provided by the Washington conference that each country could build as many cruisers as desired, provided they were not greater than 10,000 tons, carrying guns of no larger caliber than 8 inches.

It was provided also that in case of necessity each country would be free to convert merchant ships into auxiliary cruisers and arm them, provided the guns were of no larger caliber than 6 inches.

In the spirit of economy and real limitation after the Washington conference the United States practically refrained from building in any category, while Great Britain and Japan immediately embarked on ambitious cruiser-building programs.

In 1927 the Geneva conference was called and American delegates met with those from Great Britain and Japan in an endeavor to reach a 3-power agreement on naval limitation.

At that conference the big problem was cruisers. Let it be understood that Great Britain has naval bases strategically located all over the world. Her war craft can easily safeguard her ocean-borne commerce on every trade route under the sun, with the comforting knowledge that sheltering havens, where they can refuel and make needed repairs, are ever near by.

Because of this fact she needs as many units as she can get and a comparative small unit carrying 6-inch guns, with narrow cruising radius, answers her requirements admirably.

With us, however, it is quite different. While our ocean-borne commerce is as large as that of Britain—and may soon be much greater—we have practically no naval bases worthy of the name, and those we do have in the far Pacific are unfortified in accordance with the terms of the Washington treaty.

Because of this fact we require cruisers of the largest possible tonnage, carrying the heaviest armament permissible, and with the widest possible cruising radius.

Otherwise we could not protect our ocean trade, and in case of hostilities our commerce would quickly be driven from the seas.

Accordingly we contended at Geneva that each nation should be permitted to build the kind of cruisers it needed, provided they were not larger than 10,000 tons, carrying guns of no larger caliber than 8 inches, as provided by the Washington treaty.

We proposed that the 5–5–3 ratio should be observed. We were willing to accept 339,000 gross tons, for instance; allow Great Britain the same tonnage and Japan three-fifths of this figure, or 203,400. But within this tonnage each nation should be permitted to build the type of cruiser suitable to its requirements.

Great Britain insisted that she preferred a large number of the smaller cruisers, and though we were thoroughly willing to let her build the kind she wanted, she insisted on our building not the type our needs demanded but the kind she prescribed for us.

Because of her insistence in this regard the conference failed and our delegates came home. It was evidently feared by President Coolidge and the American delegation that an agreement such as Great Britain demanded would gravely jeopardize our national safety and security.

Three years later the London conference took place and the American delegation deliberately acquiesced in the British demands, even though it meant definite abandonment of our historic policy.

Our building program has called for a minimum of twenty-three 8-inch-gun cruisers, but before the London conference the Navy General Board (composed of the best-informed experts on this question) stated 21 such cruisers represented the absolutely irreducible minimum we should have for American security.

Notwithstanding this ultimatum of safety requirement our delegation agreed to cut the number to 18, building up the balance of our tonnage in 6-inch-gun ships, for which we have no need, and which some of the best experts of the Navy advise us not to construct, even though permitted to do so under the treaty.

And we are still further handicapped by the provision in article 18, which forbids us to have more than sixteen 8-inch-gun ships during the life of the treaty. This, notwithstanding the fact that Great Britain now has 15 such cruisers, will have 19 during 1931, 1932, and 1933, 18 throughout 1934, and 17 during 1935.

The agreement expressly forbids us from completing the last two such cruisers allotted us during the life of the treaty, and since another conference is scheduled for 1935, when other and possibly more stringent conditions may be imposed upon us, we are entirely prevented from achieving parity or anything approaching it, during the life of the treaty we are now asked to ratify, while to gratify the whim of Great Britain we have agreed to build a type of cruiser for which we have no naval use.

As for Japan, we have granted her a raise in ratio to 5–5–3½ in cruisers and 5–5–5 in submarines, though we have received absolutely nothing in return, and our possessions in the far Pacific must still remain unfortified.

Friends of the treaty have suggested that 6-inch-gun cruisers could be used in fleet action, and it is doubtless true that a few, a very few, such ships might be utilized in the event two hostile armadas came together. But while even in such cases most experts agree the 8-inch-gun ships would be more effective, let it not be forgotten that fleet actions are very rare and such a conflict might well never take place throughout the duration of a war.

The chief purpose of a navy is to protect ocean-borne commerce. In time of war our merchant marine must be convoyed and guarded by ships from the Navy and our war craft must cruise widely to drive the enemy's commerce from the sea. This work is done largely by detached naval units. In this connection, Admiral Jones, than whom none is better qualified to speak, before the Senate Committee on Foreign Relations testified as follows:

"In all these studies of what must be done, sir, I think that you must take your vision beyond the farthest range of the battleship guns. We must consider those distant horizons over the seven seas in which we will be called upon to operate for the protection of our lines of commercial communication, many of them vital to our economic life and practically to our physical life. In all of those lines over all of those seas many of those operations must be carried on within easy radius of bases that do not belong to us."

And, again, the same authority:

"Our units must go out from the home base or from Hawaii to these distant areas and return there. There is nothing belonging to us in the areas to which we can go, and I believe firmly that for our purpose we need units which have not only long radius of action to take them out and bring them back, but we need units with the greatest power of survival, which means offensive power to keep other units away and as much defensive power as we can put in them, and I believe firmly that the combination of those characteristics is found in the 8-inch-gun cruisers in much greater degree than it can be found in a 6-inch-gun unit."

* * * * * * *

"We must carry on much of our operation in unit operations, and particularly when we are convoying. The escort of a convoy can not run. She has got to fight, whatever she is, and let her vessels that she is convoying run; but she can not run. She must stay and fight to keep the enemy from taking ships of the convoy."

But Great Britain at the conference insisted on dictating the type of cruisers we should build, and, rather than come home without a treaty, our delegates accepted her terms. We would have been far better off had no treaty whatever been signed.

In standing steadfastly at Geneva for the American policy of freedom in 8-inch-gun cruiser construction, Hon. Hugh Gibson, head of the American delegation, made the following observation:

"While we are asked to limit strictly the number of cruisers on which 8-inch guns may be mounted and eventually to abandon that gun altogether in favor of the 6-inch gun, we are compelled to consider the effect of such a limitation upon our situation in view of the fact that the British Government has at its disposal approximately 888,000 tons of fast merchant ships capable of being readily converted into cruisers and armed with many 6-inch guns, as contemplated by the Washington treaty. We, on the other hand, have only 188,000 tons of such ships. As was so ably brought out by Lord Jellicoe, converted merchant ships played a great part in the late war."

It will be seen from the above that when the enormous preponderance of Great Britain in merchant tonnage and naval bases is considered the London treaty gives us nothing approaching parity, and we are even prevented from building the type of ships our requirements demand.

There are many other incongruities and inequalities in the treaty which I have not had time to discuss in this brief period. But enough has appeared in what has been said, I trust, to convince even the most skeptical that the treaty is bad for us.

Indeed, I firmly believe its acceptance would very gravely imperil the safety and security of the United States, and it is therefore devoutly to be hoped that it will never be ratified by the Senate.

We do not seek war with any power; we desire only peace with all the world. But we have grave responsibilities resting on our shoulders, and if attacked we must be ever prepared to defend our heritage.

THE CALENDAR

The PRESIDENT pro tempore. The morning business is closed. The calendar under Rule VIII is in order.

Mr. McNARY. Mr. President, I am advised by the clerks that we stopped with Order of Business 1142 when the calendar was considered the last time. I ask unanimous consent to begin to-day with Order of Business 1143.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

DELAWARE & HUDSON CO.

The bill (H. R. 1159) for the relief of the Delaware & Hudson Co., of New York City, was read, considered, ordered to a third reading, read the third time, and passed.

JOHN MAGEE

The bill (H. R. 6642) for the relief of John Magee was read, considered, ordered to a third reading, read the third time, and passed.

GILBERT GROCERY CO.

The bill (H. R. 6113) for the relief of Gilbert Grocery Co., Lynchburg, Va., was read, considered, ordered to a third reading, read the third time, and passed.

P. M. NIGRO

The bill (H. R. 6694) for the relief of P. M. Nigro was read, considered, ordered to a third reading, read the third time, and passed.

MATTHEW EDWARD MURPHY

The bill (H. R. 576) for the relief of Matthew Edward Murphy was read, considered, ordered to a third reading, read the third time, and passed.

LOUIS NEBEL & SON

The bill (H. R. 3960) for the relief of Louis Nebel & Son was read, considered, ordered to a third reading, read the third time, and passed.

J. T. BONNER

The bill (H. R. 8438) for the relief of J. T. Bonner was read, considered, ordered to a third reading, read the third time, and passed.

SAMUEL S. MICHAELSON

The bill (H. R. 10317) for the relief of Samuel S. Michaelson was read, considered, ordered to a third reading, read the third time, and passed.

FRANK M. GROVER

The bill (H. R. 10532) for the relief of Frank M. Grover was read, considered, ordered to a third reading, read the third time, and passed.

JERRY ESPOSITO

The bill (H. R. 11608) for the relief of Jerry Esposito was read, considered, ordered to a third reading, read the third time, and passed.

DAISY O. DAVIS

The Senate proceeded to consider the bill (S. 182) for the relief of Daisy O. Davis, which had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert:

That sections 17 and 20 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, are hereby waived in favor of Daisy O. Davis, a former employee in the Treasury Department.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DAVID M'D. SHEARER

The Senate proceeded to consider the bill (H. R. 1825) for the relief of David McD. Shearer, which had been reported from the Committee on Claims with an amendment, on page 2, line 17, after the words "in charge of," to strike out "will" and insert "willow," so as to make the bill read:

Be it enacted, etc., That the claim of David McD. Shearer for compensation for the use by the Government of the United States of certain inventions relating to reinforced-concrete revetment and construction and laying of same, made by said David McD. Shearer, and for which Letters Patent of the United States, Nos. 1173879, 1173880, and 1229152 were issued to him, be, and the same is hereby, referred to the Court of Claims, which court is hereby vested with jurisdiction in the premises, and whose duty it shall be to hear and determine any statute limiting the time within which such an action may be brought to the contrary notwithstanding, first, whether the said David McD. Shearer was the first, original, and sole inventor of the inventions described in said letters patent or any of them; and if said court shall find that he was such first, original, and sole inventor of any of the same, then to determine, second, what amount of compensation, if any, he is justly entitled to receive from the United States for the use of his said inventions or any of them, since the date of said letters patent, up to the time of adjudication. In determining whether or not said David McD. Shearer is entitled to compensation and the amount of compensation, if any, for the use of said inventions the court shall take into consideration, if and so far as the facts may warrant, the facts, if proved, that while said David McD. Shearer was engaged in perfecting the invention he was in the service of the United States as a junior engineer superintendent in charge of willow bank revetment construction under the Mississippi River Commission, and whether and, if at all, to what extent said inventions or any of them were discovered or developed during the working hours of his Government service, and to what extent his said inventions for protection of river channels and banks differ from the methods previously used, in material, method of laying, permanency, and value, and, whether, if at all, to what extent the expense of making experiments, trials, and tests for the purpose of perfecting said inventions was paid by the United States, and if any such expense was incurred by the United States, whether and, if at all, to what extent the United States received compensation for such expense.

Either party may appeal to the Supreme Court of the United States upon any such question where appeals now lie in other cases, arising during the progress of the hearing of said claim, and from any judgment in said case, at any time within 90 days after the rendition thereof; and any judgment rendered in favor of the claimant shall be paid in the same manner as other judgments of said Court of Claims.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

W. F. NASH

The Senate proceeded to consider the bill (H. R. 3159) for the relief of W. F. Nash, which had been reported from the Com-

mittee on Claims with an amendment, on page 1, line 6, after the words "sum of," to strike out "$1,212.66" and insert "$897.40," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to W. F. Nash, of San Pedro, Calif., the sum of $897.40, in full settlement of all claims against the United States for damages resulting to his home caused by heavy gun firing at Fort McArthur, San Pedro, Calif., on October 5, 1928.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BARZILLA WILLIAM BRAMBLE

The bill (H. R. 573) for the relief of Barzilla William Bramble was read, considered, ordered to a third reading, read the third time, and passed.

MAJ. BENJAMIN L. JACOBSON

The bill (H. R. 4110) to credit the accounts of Maj. Benjamin L. Jacobson, Finance Department, United States Army, was read, considered, ordered to a third reading, read the third time, and passed.

J. W. NIX

The bill (H. R. 7445) for the relief of J. W. Nix was read, considered, ordered to a third reading, read the third time, and passed.

RALPH RHEES

The bill (H. R. 8612) for the relief of Ralph Rhees was read, considered, ordered to a third reading, read the third time, and passed.

HENRY A. KNOTT & CO.

The bill (H. R. 9279) for relief of Henry A. Knott & Co. was read, considered, ordered to a third reading, read the third time, and passed.

CHANGE OF NAME OF PORTO RICO

The joint resolution (S. J. Res. 193) to change the name of the island of Porto Rico to "Puerto Rico" was announced as next in order.

Mr. GEORGE. Let that go over.

Mr. WALSH of Massachusetts. Mr. President, I should like to inquire——

The PRESIDENT pro tempore. Objection is made, and the joint resolution will be passed over.

Mr. WALSH of Massachusetts. I desire to inquire who petitioned that this change of name be made.

Mr. BINGHAM. The petition was made by a unanimous resolution of the Porto Rican Legislature. May I ask who objected?

Mr. GEORGE. I objected, Mr. President.

Mr. BINGHAM. Will the Senator withhold the objection?

Mr. GEORGE. I withhold it.

Mr. BINGHAM. I merely desire to say that the island of Porto Rico was known for centuries by its Spanish name of "Puerto Rico." When we took it over and annexed it, we arbitrarily changed the spelling to the English spelling, "Porto Rico," and thereby offended the sensibilities of people who have lived in the island for many generations.

The Legislature of Porto Rico, by unanimous vote, have petitioned us to permit them to go back to the original name of the island. Since it is a matter which concerns them rather than us, and it came from their legislature by unanimous vote of all parties, I hope the Senator will withdraw his objection.

Mr. GEORGE. Mr. President, I have no particular objection. I can see no particular use of it. As long as we are going to keep the island under our jurisdiction, it seems to me we might as well keep the spelling; but I will not insist on any objection to the consideration of the joint resolution.

Mr. BINGHAM. Due to the fact that we arbitrarily changed the spelling to its English form rather than the form used by all the people in the island, I thank the Senator for withdrawing his objection.

The Senate proceeded to consider the joint resolution, which was read, as follows:

Whereas in accordance with all historical data relative to the discovery and colonization of the island known as "Porto Rico," the original name given thereto by its discoverer, and consecrated in the royal orders of the colonizing nation, was Isla de San Juan; and

Whereas the first city founded on Porto Rican soil, and denominated Villa de Caparra, was given the name of Ciudad de Puertorrico;

Whereas subsequently, and by virtue of the transfer of the old Ciudad de Puertorrico to the site now occupied by the capital city, the aforesaid names of San Juan and Puertorrico became the exclusive patrimony of such city and island, respectively; and

Whereas the history and traditions of the people have since then sustained and consecrated the name of Puerto Rico, given to such island as its sole name; and

Whereas immediately following the change of sovereignty which took place in the island the Congress, without justifying reasons, officially gave the island the name of "Porto Rico"; and

Whereas the aforesaid name of "Porto Rico" is an impure idiomatic compound partly formed of the word "porto," which, although of Latin origin, has not yet been adopted into the language of the island, but is here used illegitimately as a substitute for the word "puerto," genuinely Spanish, although no license, reasons of diction, or advantages of euphony exist to warrant such substitution; and

Whereas there are no reasons either in the history, the language, or the traditions of the people of the island which support the use of the term "porto" as a part of the name of the island: Therefore be it

Resolved, etc., That from and after the passage of this resolution the island designated "Porto Rico" in the act entitled "An act to provide a civil government for Porto Rico, and for other purposes," approved March 2, 1917, as amended, shall be known and designated as "Puerto Rico." All laws, regulations, and public documents and records of the United States in which such island is designated or referred to under the name of "Porto Rico" shall be held to refer to such island under and by the name of "Puerto Rico."

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

TENNESSEE RIVER BRIDGE, KNOXVILLE, TENN.

The bill (H. R. 12554) to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near Knoxville, Tenn., was read, considered, ordered to a third reading, read the third time, and passed.

WATER SUPPLY OF NAPA, CALIF.

The bill (H. R. 5292) to authorize the city of Napa, Calif., to purchase certain public lands for the protection of its water supply was read, considered, ordered to a third reading, read the third time, and passed.

ADDITION TO LASSEN VOLCANIC NATIONAL PARK, CALIF.

The bill (H. R. 10582) to provide for the addition of certain lands to the Lassen Volcanic National Park in the State of California was read, considered, ordered to a third reading, read the third time, and passed.

AMENDMENT OF WORLD WAR VETERANS' ACT, 1924

The bill (H. R. 13174) to amend the World War veterans' act, 1924, as amended, was announced as next in order.

Mr. LA FOLLETTE. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

CONSOLIDATION OF GOVERNMENTAL ACTIVITIES AFFECTING WAR VETERANS

The bill (H. R. 10630) to authorize the President to consolidate and coordinate governmental activities affecting war veterans was considered by the Senate.

The bill had been reported from the Committee on Finance with amendments.

Mr. LA FOLLETTE. Mr. President, I have no desire to object to the consideration of this bill; but I think the acting chairman of the committee should make a brief statement to the Senate as to what it provides. It is rather an important piece of legislation.

Mr. WATSON. Mr. President, this bill is here largely because of the wish of General Hines, the head of the Veterans' Bureau, and the American Legion; and my understanding is, without directly knowing, that the Pension Office also is for it.

The report sets forth an analysis of the bill, showing that it provides for the consolidation and coordination of all activities having to do with veterans' relief, including the Veterans' Bureau, the National Home for Disabled Volunteer Soldiers, and the Pension Bureau, into an establishment to be known as "Veterans' Administration." In the original bill it was called "Administration of Veterans' Affairs"; but at the suggestion of the Senator from Kentucky [Mr. BARKLEY] we changed it to read "Veterans' Administration."

The general purpose of the bill is stated in the report on page 3, as follows:

The underlying purpose of the bill is to bring together all governmental activities having to do with veterans' relief of whatever character with a view to securing better coordination, added efficiency, and a more complete and economical use of existing facilities, and to improve the services rendered to the veterans of all wars and equalize the benefits extended to them by the Government.

Then, on page 5—and this states it very succinctly—there is a statement showing the improved administration that undoubtedly will result from this coordination, followed by a statement of the economies reasonably to be expected.

Nobody objected to the bill in our committee. It was unanimously agreed to, because we thought it would tend to greater efficiency in the administration of all our pension legislation by all these activities under one head, so as to be directed in a skillful and an efficient way.

The PRESIDING OFFICER (Mr. FESS in the chair). The amendments of the committee will be stated.

The first amendment was, on page 2, line 1, before the word "administration," to insert "veterans'," and after the word "administration" to strike out "of veterans' affairs," and in line 6, before the word "administration," to insert "veterans'" and after the word "administration" to strike out "of veterans' affairs," so as to make the paragraph read:

(a) That the President is authorized, by Executive order, to consolidate and coordinate any hospitals and executive and administrative bureaus, agencies, or offices, especially created for or concerned in the administration of the laws relating to the relief and other benefits provided by law for former members of the Military and Naval Establishments of the United States, including the Bureau of Pensions, the National Home for Disabled Volunteer Soldiers, and the United States Veterans' Bureau, into an establishment to be known as the veterans' administration, and to transfer the duties, powers, and functions now vested by law in the hospitals, bureaus, agencies, or offices so consolidated and coordinated, including the personnel thereof, and the whole or any part of the records and public property belonging thereto to the veterans' administration.

The amendment was agreed to.

The next amendment was, on page 2, line 9, after the word "veterans'," to strike out "affairs" and insert "administration," so as to read:

(b) Under the direction of the President the administrator of veterans' administration shall have the power, by order or regulation, to consolidate, eliminate, or redistribute the functions—

And so forth.

Mr. REED. Mr. President, I think that amendment is not intended by the committee. We do not want to call this officer the "administrator of veterans' administration," and I do not think the committee so proposed. I think this particular amendment ought to be rejected, as well as the one on line 18.

Mr. WALSH of Montana. Mr. President, I inquire what is the number of the bill?

The PRESIDING OFFICER. H. R. 10630, Order of Business 1166. Does the Senator wish this amendment rejected?

Mr. REED. Yes; the one on line 9.

Mr. WALSH of Montana. Mr. President, let me inquire if it is intended to restore the word "affairs"?

Mr. REED. Only in the title of the officer. The Senate committee wished to change the name of the bureau from "administration of veterans' affairs" to read "veterans' administration." It seemed to be shorter and simpler; but we did not consciously mean to change the title of the administrator.

Mr. WALSH of Montana. The rejection of the amendment on line 9, page 2, includes rejecting the striking out of the word "affairs"?

Mr. REED. Yes, Mr. President.

Mr. WALSH of Montana. It leaves the word "affairs" there?

Mr. REED. Yes.

The PRESIDING OFFICER. Without objection, the amendment will be rejected.

The next amendment was, on page 2, line 12, before the word "administration," to insert "veterans'," and after the word "administration" to strike out "of veterans' affairs," so as to make the paragraph read:

(b) Under the direction of the President the administrator of veterans' affairs shall have the power, by order or regulation, to consolidate, eliminate, or redistribute the functions of the bureaus, agencies, offices, or activities in the veterans' administration and to create new ones therein, and, by rules and regulations not inconsistent with law, shall fix the functions thereof and the duties and powers of their respective executive heads.

The amendment was agreed to.

The next amendment was, on page 2, line 16, before the word "administration," to insert "veterans'," and after the word "administration" to strike out "of veterans' affairs," so as to read:

SEC. 2. There shall be at the head of such veterans' administration an administrator—

And so forth.

The amendment was agreed to.

The next amendment was, on page 2, line 18, after the word "veterans'," to strike out "affairs" and insert "administration," so as to read:

To be known as the administrator of veterans' administration, who shall be appointed by the President, by and with the advice and consent of the Senate.

Mr. REED. That amendment ought to be rejected, Mr. President.

The PRESIDING OFFICER. Without objection, the amendment is rejected.

The next amendment was, on page 2, line 22, before the word "administration," to insert "veterans'," and after the word "administration" to strike out "of veterans' affairs, so as to read:

Upon the establishment of such veterans' administration all the functions, powers, and duties now conferred by law—

And so forth.

The amendment was agreed to.

The next amendment was, on page 2, line 23, before the word "administration," to insert word "veterans'," and after the same word to strike out the words "of veterans' affairs."

The amendment was agreed to.

The next amendment was, on page 2, line 3, after the word "veterans'," to strike out the word "affairs" and to insert in lieu thereof the word "administration."

Mr. REED. This is to correct a mistake similar to the one heretofore corrected.

The amendment was rejected.

The next amendment was, on page 3, line 13, to strike out the words "administration of veterans' affairs" and to insert in lieu thereof the words "veterans' administration," and on page 4, line 13, before the word "administration," to insert the word "veterans'," and after the word "administration" to strike out the words "of veterans' affairs"; on line 15 to strike out the words "of veterans' affairs"; on page 5, line 5, before the word "administration," to insert the word "veterans'," and after the word "administration" to strike out the words "of veterans' affairs"; on page 6, line 7, and on page 6, lines 9 and 10, before the word "administration," to insert the word "veterans'," and after the word "administration" to strike out the words "of veterans' affairs"; on page 6, line 18, to strike out the words "of veterans' affairs"; on page 6, line 20, to strike out the words "of veterans' affairs"; on page 7, line 10, to strike out the words "of veterans' affairs."

The amendments were agreed to.

Mr. WALSH of Massachusetts. Mr. President, having in mind the suggestion of the Senator from Wisconsin, I suggest to the Senator from Pennsylvania and to the Senator from Indiana that the part of the committee report which analyzes the bill and which contains a general statement be printed in the RECORD for public information.

Mr. WATSON. Certainly; I think that ought to be done.

The PRESIDING OFFICER. Without objection, the matter referred to will be printed in the RECORD.

The matter referred to is as follows:

GENERAL STATEMENT

PURPOSE OF THE BILL

The underlying purpose of the bill is to bring together all governmental activities having to do with veterans' relief of whatever character with a view to securing better coordination, added efficiency, and a more complete and economical use of existing facilities, and to improve the services rendered to the veterans of all wars and equalize the benefits extended to them by the Government.

EXISTING CONDITIONS UNSATISFACTORY

At present we have three separate and distinct agencies dealing with the relief of World War veterans. The result is increasing dissatisfaction on the part of the beneficiaries and the people who must foot the bill. Both demand reform. Bureau heads admit that consolidation and better coordination are essential to rendering the highest and most economical services, but balk the moment a real and effective unification of these activities is seriously undertaken. Your committee, however, has undertaken to deal with the problem from the standpoint of services to be rendered rather than from the viewpoint of the heads of divisions involved.

We now have two agencies—the National Home for Disabled Volunteer Soldiers and the Veterans' Bureau—that deal with the hospitalization and home care of veterans. The major burden in both is the care of World War veterans, and it will be only a few years until 75 to 80 per cent of the load will represent this class. The result is excessive overhead, uneconomical use of facilities and considerable duplication of effort and function.

Likewise, two agencies—the Veterans' Bureau and the Pension Bureau—deal with compensation and pensions. As we have previously noted, those compensation cases that have become fixed are to all

intents and purposes disability pensions and should be handled by the same agency that administers pensions.

There is also inequality in the kind and character of relief and great disparity in the amount of pension and compensation extended to the veterans of the different wars. As these veterans are more and more thrown together in hospitals and homes and become familiar with the patent injustices that exist, dissatisfaction and complaints increase.

In many cases the character of relief a veteran is entitled to is uncertain, due to the fact that he served in one or more wars.

Dual control has resulted in improper distribution of veterans' hospitals and homes, causing much unnecessary expense for transportation of inmates. Such coordination as has been attempted does not go to the root of the evil and from the very nature of things can not so long as there is divided control and divergent management of facilities essentially parallel in the character of services rendered.

ADVANTAGES OF CONSOLIDATION TO THE VETERANS

Our first concern must be the character of services rendered to our ex soldiers and sailors. If consolidation will aid them, all else must yield. In other words, it is our clear duty to get the greatest possible results in services for the money available for a specific purpose.

The proposed consolidation will tend to bring about uniformity of treatment and services. It will aid in eliminating existing inequalities in pensions and compensation. It will concentrate in one head all agencies for relief, so that applicants for aid will know where to go. It should result in simplified procedure and speedier decisions. It will make more easy the segregation of hospital cases from domiciliary ones and aid in removing men who no longer need hospital care to more congenial surroundings in a home where they can enjoy the companionship of men in comparatively good health but whose necessities confine them to a Government institution.

IMPROVED ADMINISTRATION

Anyone who is at all familiar with the activities of the Pension Bureau, National Home for Disabled Volunteer Soldiers, and Veterans' Bureau knows that there is considerable duplication of functions. The new administrator is given ample authority under the bill to so consolidate and redistribute the activities and duties of the administrative offices and bureaus as to eliminate such duplication. This should enable him to do the same work with a considerably reduced personnel and a corresponding saving in cash.

Unified control would enable the President to keep in closer touch by reason of the concentration of administrative control in one head. He could then deal directly with the head of the organization, who would be familiar with the whole situation.

The administrator would be in position to visualize the whole problem of veterans' relief and give proper weight to the various needs and services. He would be in a much more advantageous position to submit proper and well-balanced estimates to the Budget and to justify them to Congress than the heads of the present agencies.

Legislative committees would be dealing with a unified program and one responsible head. The result would be better considered and better balanced appropriations.

All available hospitals, homes, and other facilities could be utilized to their maximum efficiency, with very large savings to the Public Treasury and general satisfaction to those served. Existing services could be given for less money or better services rendered for the money now expended.

ECONOMIES REASONABLY TO BE EXPECTED

While it is a difficult matter to compute in advance the probable economies that might be effected as a result of the proposed consolidation it is reasonable to expect that a very considerable saving will result. It has been estimated by those who have made a close study of the problem that the following reductions in expenses would be effected:

Annual reduction in overhead and administrative expenses	$1,500,000
Annual saving by transferring of domiciliary patients from veterans' hospitals to homes	697,000
Reduction of hospital construction cost by removal of 1,000 domiciliary cases to homes	3,500,000
Savings in the course of years by adding domiciliary barracks to veterans' hospitals in place of building new units	9,000,000

For a detailed analysis of possible savings as a result of consolidation see pages 181 and 182 of the hearings on H. R. 6141, for which the present bill is a substitute.

SUMMARY

The mounting cost of veterans' relief is reaching staggering proportions. Already it has climbed to approximately $780,000,000 annually, distributed between the Veterans' Bureau, the National Home for Disabled Volunteer Soldiers, and the Pension Bureau. This is about 33 per cent of all income taxes collected by the Government annually.

It is essential that the President, the Budget, and the Congress should have these activities brought in under one agency so as to be able to visualize the whole picture. By placing them under one directing head overlapping and duplication can be wiped out; inequalities of care, treatment, pensions, and compensation will more readily lend themselves to adjustment; a proper distribution of beneficiaries can be effected with consequent great economies, and large sums can be saved in construction costs.

Finally, the new establishment will afford a suitable foundation upon which a humanized superstructure of legislation may be erected, based upon a thorough revision of existing laws dealing with veterans, and the creation of a simplified code that will iron out present inequalities and place all veterans of similar age and suffering similar disabilities upon approximately the same plane with respect to the relief extended, whether it be hospitalization, domiciliary care, pension, or compensation.

STATUTES REPEALED

Section 4835 of the Revised Statutes, which reads as follows, is repealed:

"All inmates of the National Home for Disabled Volunteer Soldiers shall be subject to the rules and Articles of War, and in the same manner as if they were in the Army."

REPEALED BY IMPLICATION

Section 71, title 24, United States Code:

"Organization of home: The President, Secretary of War, Chief Justice, and such other persons as from time to time may be associated with them, shall constitute a Board of Managers of an establishment for the care and relief of the disabled volunteers of the United States Army, to be known by the name and style of the National Home for Disabled Volunteer Soldiers, and have perpetual succession, with powers to take, hold, and convey real and personal property, establish a common seal. * * *"

Section 72, title 24, United States Code:

"Headquarters of home: The headquarters of the National Home for Disabled Volunteer Soldiers shall be established and maintained at the Central Branch, National Military Home, Ohio, and shall occupy for offices, without expenditures for rent, any general or post fund building."

Section 73, title 24, United States Code:

"Election of citizen managers: Seven managers of the National Home for Disabled Volunteer Soldiers shall be elected from time to time, as vacancies occur, by joint resolution of Congress. They shall all be citizens of the United States and no two of them shall be residents of the same State. The terms of office of these managers shall be for six years and until a successor is elected."

Section 74, title 24, United States Code:

"Election of officers of Board of Managers: The 10 managers of the National Home for Disabled Volunteer Soldiers shall elect from their own number a president, who shall be the chief executive officer of the board, two vice presidents, and a secretary. Six of the board, of whom the president or one of the vice presidents shall be one, shall form a quorum for the transaction of business at any meeting of the board."

Section 75, title 24, United States Code:

"Expenses and salaries of managers and officers: No member of the Board of Managers of the National Home for Disabled Volunteer Soldiers shall receive any compensation or pay for any services or duties connected with the home; but the traveling and other actual expenses of a member, incurred while upon the business of the home, may be reimbursable to such member: *Provided*, That the president and secretary of the Board of Managers may receive a reasonable compensation for their services as such officers, not exceeding $4,000 and $2,000, respectively, per annum."

Mr. BLACK. Mr. President, before the bill is passed, I desire to ask a question or two of the Senator from Indiana, or whoever has the bill in charge.

As I understand it, this provides for a consolidation of the various departments handling veterans' claims.

Mr. REED. Yes.

Mr. BLACK. Is there any provision for reduction in the amount of red tape through which the veterans have to go in order to get a hearing?

Mr. REED. There ought to be a very considerable simplification in the procedure.

Mr. BLACK. May I ask whether there is any provision for centralization of the numerous appeal boards through which the veterans have to go in order to get a hearing?

Mr. REED. The measure does not so provide. Those appeal boards are set up by administrative order, and I presume they will have to be simplified by the same method. The measure does not directly touch on that.

Mr. BLACK. I had framed an amendment which I intended to offer to this bill when it came up, so that instead of first having a hearing, for instance, at some place in Alabama, and then going to New Orleans with an appeal, which is never effective, then coming up here for another appeal, and then appealing to the Chief of the Veterans' Bureau, a system would be provided whereby the matter could be tried out in the particular State where it arises by a board of doctors connected with the State service, in order that we might not have to go

through these various appeals. What does the Senator think of that? It would do away with a great deal of the unnecessary red tape, in my judgment.

Mr. REED. Mr. President, I think, in the first place, that the proper place for such an amendment, if it is wise, would be in the amendment to the World War veterans' act which we are going to consider at 2 o'clock. I think that is the bill on which the Senator should put his amendment, because the bill we are now considering does not affect procedure, except as it may be incidentally affected through the consolidation of these different bodies.

Mr. BLACK. I make the suggestion because I have appealed from the decision of the board at Birmingham, I would say, literally hundreds of cases to New Orleans, and, so far as I can recall, the New Orleans appeal board has never yet changed a single ruling. I may be wrong; it may be that I have lost sight of one or two changes which were made; but certainly I can not recall a single instance in which the veteran received any benefit from an appeal to New Orleans. Then, after we go through New Orleans, we come to another appeal board here; then we go to the chief of the Veterans' Bureau.

It has occurred to me that we ought to work out some kind of a method whereby we can prevent bureaus on top of bureaus, and appeals which are not effective.

Mr. REED. Mr. President, the Senator will see, I think, that the other bill is the place to propose his amendment. We must all remember that this complexity has grown up from a desire of the director of the bureau to give the men every possible chance. As we look at it now, it seems like a complication of appeals, but all of these appeal boards were created so that every veteran's case might be exhaustively heard. With the best of intentions we have produced a pretty complicated system. I agree with the Senator that anything we can do to simplify it would be wise.

Mr. BLACK. It seems to me that it is absolutely essential that we do something in connection with the appeals. I might call the Senator's attention to the fact that for two years I worked and struggled with a case where a soldier had tuberculosis. It was held during his lifetime in the numerous appeal boards that he was not totally and permanently incapacitated, and they deprived him of his total-disability compensation. After his death the appeal board in Washington sent for the claim; they reviewed the claim, which had been passed upon in his lifetime, and held that he had been permanently and totally incapacitated during the entire time, but attempted to deprive his mother of the insurance on the ground that the original ruling was wrong. It took about two years to obtain a change of that decision.

It has occurred to me—and I think when the other bill comes up I shall offer the amendment I have suggested at this time for consideration—that there should be some kind of a method whereby these matters could be passed on, in Pennsylvania, for instance, where the board could hear the right kind of evidence, and where they would not be so far removed from the viewpoint of the local situation, where they could find out more about a case than could be found out by an appeal board two or three hundred miles away. I am going to offer an amendment to cover that matter in some way, or make an attempt to get away from this endless red tape in which the veterans find themselves entangled.

On the suggestion of the Senator from Pennsylvania I shall wait until the other bill comes before us.

Mr. WALSH of Montana. Mr. President, just exactly what will be the operation of this bill with respect to the organizations which are thus consolidated? Under this legislation there will be an administrator of veterans' affairs, the head of the organization, but, of course, we continue the Commissioner of Pensions, the Director of the Veterans' Bureau, the Superintendent of the Soldiers' Home, and so on down the line. Just exactly what kind of control will this veterans' administrator have over these other organizations?

Mr. REED. Mr. President, if the Senator will look at the bottom of page 2, I think he will find the answer to his question. It is provided there that all of the functions, powers, and duties now given to the Commissioner of Pensions, the Board of Managers of the National Home for Disabled Volunteer Soldiers, and the Director of the Veterans' Bureau are conferred upon the administrator of veterans' affairs. Really, those offices are abolished.

Mr. WALSH of Montana. Those offices will go out of existence?

Mr. REED. They are consolidated into this single office.

Mr. WALSH of Montana. Does the Senator think that is quite clear?

Mr. REED. It seems so to me. All the functions, powers, and duties now conferred on those three are hereby conferred on and vested in the administrator of veterans' affairs. That surely abolishes those offices.

The PRESIDING OFFICER. The question is on engrossing the amendments made to the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

GEORGE CHARLES WALTHERS

The bill (H. R. 5212) for the relief of George Charles Walthers was announced as next in order.

Mr. HOWELL. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

RAINY RIVER BRIDGE, MINNESOTA

The Senate proceeded to consider the bill (H. R. 12233) authorizing the Robertson & Janin Co., of Montreal, Canada, its successors and assigns, to construct, maintain, and operate a bridge across the Rainy River at Baudette, Minn., which was read the third time and passed.

FOX RIVER BRIDGE, ILLINOIS

The Senate proceeded to consider the bill (H. R. 12614) granting the consent of Congress to the city of Aurora, Ill., to construct, maintain, and operate a free highway bridge from Stolps Island in the Fox River at Aurora, Ill., to connect with the existing highway bridge across the Fox River north of Stolps Island, which was read the third time and passed.

MISSOURI RIVER BRIDGES, MONTANA

The Senate proceeded to consider the bill (H. R. 12844) granting the consent of Congress to the State of Montana, the counties of Roosevelt, Richland, and McCone, or any of them, to construct, maintain, and operate a free highway bridge across the Missouri River at or near Poplar, Mont., which was read the third time and passed.

The Senate proceeded to consider the bill (H. R. 12919) granting the consent of Congress to the State of Montana or any political subdivisions or public agencies thereof, or any of them, to construct, maintain, and operate a free highway bridge across the Missouri River southerly from the Fort Belknap Indian Reservation at or near the point known and designated as the Power-site Crossing, or at or near the point known and designated as Wilder Ferry, which was read the third time and passed.

The Senate proceeded to consider the bill (H. R. 12920) granting the consent of Congress to the State of Montana and the counties of Roosevelt and Richland, or any of them, to construct, maintain and operate a free highway bridge across the Missouri River at or near Culbertson, Mont., which was read the third time and passed.

CALUMET RIVER BRIDGE, ILLINOIS

The Senate proceeded to consider the bill (H. R. 12993) granting the consent of Congress to the State of Illinois to construct, maintain, and operate a free highway bridge across the Little Calumet River at One hundred and fifty-ninth Street in Cook County, State of Illinois, which was read the third time and passed.

ORDER OF BUSINESS

Mr. WATSON obtained the floor.

Mr. LA FOLLETTE and Mr. COPELAND addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Indiana yield; and if so, to whom?

Mr. WATSON. I consented to yield to the Senator from Wisconsin to make a motion to take up another bill on the calendar. I am very anxious that the bill shall be passed.

Mr. LA FOLLETTE. Mr. President, I think the Senator from New York was contemplating making the same motion, and if agreeable to the Senator from Indiana, I will yield to the Senator from New York.

Mr. WATSON. That is agreeable to me.

CITIZENSHIP AND NATURALIZATION OF MARRIED WOMEN

Mr. COPELAND. I ask unanimous consent that the Senate proceed to the consideration of Order of Business 618, House bill 10960, to amend the law relative to the citizenship and naturalization of married women, and for other purposes, and I ask that all the proposed committee amendments be disapproved.

The PRESIDING OFFICER. The pending question is on an amendment offered by the junior Senator from Washington [Mr. DILL].

Is there objection to the immediate consideration of the bill?

Mr. WALSH of Massachusetts. Mr. President, may I inquire the object of the bill?

Mr. COPELAND. It is to restore their citizenship to American women who have married foreigners, and who are now

separated from them or are widowed and desire to regain their citizenship. The bill provides a way for them to become naturalized.

Mr. WALSH of Massachusetts. I have no objection to the pending bill, but I desire to ask the Senator from New York, who is a member of the Committee on Immigration, what the committee has done to bring about a reduction in the naturalization fees. Doubtless the Senator has received a number of communications, as I have, with respect to the very great burden it is to women, particularly women with children, to have to pay the large fees which are now necessary in order to secure naturalization.

Mr. COPELAND. Mr. President, I may say to the Senator that we have had that matter under consideration, and there are a number of administrative features to be taken care of in the near future. The amendments which were proposed to the bill now pending are desirable, but we find it impossible, in the brief time at our disposal, to take care of them now. I assure the Senator that in December we will have these matters before the Congress again.

Mr. LA FOLLETTE. Mr. President, I hope the Senator from Massachusetts will not insist upon any amendment. The only way in which this bill may become a law at this session of Congress is to pass it as it passed the House.

I am very sympathetic with the Senator's desire to reduce the fees, as he knows, and I will join with him during the next session in having some legislation along that line enacted.

Mr. WALSH of Massachusetts. Mr. President, I do think it is an outrage to charge a woman, with four or five children, $25 to become an American citizen after she has gone to night school and has fitted herself to become a citizen.

Mr. COPELAND. I agree with the Senator.

Mr. President, I renew my request that the committee amendments be disagreed to.

Te PRESIDING OFFICER. The regular order would be to have the amendments read and acted on severally.

Mr. COPELAND. I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. The Senator from New York asks unanimous consent that all of the amendments proposed to the pending bill be acted on en bloc. Is there objection? The Chair hears none, and the question is on agreeing to the amendments.

The amendments were rejected.

The bill was ordered to a third reading, read the third time, and passed.

EXECUTIVE MESSAGES AND APPROVALS

Messages in writing were communicated to the Senate by the President of the United States by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following acts:

On June 28, 1930:

S. 1257. An act for the relief of the Beaver Valley Milling Co.; and

S. 1959. An act to authorize the creation of game sanctuaries or refuges within the Ocala National Forest in the State of Florida.

On June 30, 1930:

S. 1254. An act for the relief of Kremer & Hog, a partnership; and

S. 3666. An act for the relief of the Oregon Short Line Railroad Co., Salt Lake City, Utah.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 8159) to authorize appropriation for construction at the United States Military Academy, West Point, N. Y.; Fort Lewis, Wash.; Fort Benning, Ga.; and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. RANSLEY, Mr. SPEAKS, and Mr. QUIN were appointed managers on the part of the House at the conference.

The message also announced that the House had passed the following bill and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 481. An act for the relief of Maj. Martin F. Scanlon, Lieut. Courtney Whitney, and Lieut. Alfred B. Baker;

H. J. Res. 373. Joint resolution making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1931, and for other purposes;

H. J. Res. 384. Joint resolution making appropriations available to carry into effect the provisions of the act of the Seventy-first Congress entitled "An act to fix the salaries of officers and members of the Metropolitan police force and the fire department for the District of Columbia";

H. J. Res. 388. Joint resolution making provision for continuation of construction of the United States Supreme Court Building; and

H. J. Res. 389. Joint resolution making appropriations for the pay of pages for the Senate and House of Representatives until the end of the second session of the Seventy-first Congress.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

H. R. 6. An act to amend the definition of oleomargarine contained in the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended;

H. R. 334. An act for the relief of Samuel Gettinger and Harry Pomerantz;

H. R. 636. An act for the relief of certain persons of Schenley, Pa., who suffered damage to their property as a result of erosion of a dam on the Allegheny River;

H. R. 4176. An act for the relief of Dr. Charles W. Reed;

H. R. 4189. An act to add certain lands to the Boise National Forest; and

H. R. 12235. An act to provide for the creation of the Colonial National Monument in the State of Virginia.

HOUSE BILL AND JOINT RESOLUTIONS REFERRED

The following bill and joint resolutions were severally read twice by their titles and referred as indicated below:

H. R. 481. An act for the relief of Maj. Martin F. Scanlon, Lieut. Courtney Whitney, and Lieut. Alfred B. Baker; to the Committee on Claims.

H. J. Res. 384. Joint resolution making appropriations available to carry into effect the provisions of the act of the Seventy-first Congress entitled "An act to fix the salaries of officers and members of the Metropolitan police force and the fire department for the District of Columbia";

H. J. Res. 388. Joint resolution making provision for continuation of construction of the United States Supreme Court Building; and

H. J. Res. 389. Joint resolution making appropriations for the pay of pages for the Senate and House of Representatives until the end of the second session of the Seventy-first Congress; to the Committee on Appropriations.

DISTRICT OF COLUMBIA APPROPRIATIONS

Mr. BINGHAM. I ask that the Chair lay before the Senate House Joint Resolution 373.

The PRESIDING OFFICER (Mr. FESS in the chair). The Chair lays before the Senate the joint resolution.

The joint resolution (H. J. Res. 373) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1931, and for other purposes, was read twice by its title.

Mr. BINGHAM. I move that the joint resolution be referred to the Committee on Appropriations.

The motion was agreed to.

CONSTRUCTION WORK AT MILITARY POSTS

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 8159) to authorize appropriation for construction at the United States Military Academy, West Point, N. Y.; Fort Lewis, Wash.; Fort Benning, Ga.; and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. REED. I move that the Senate insist upon its amendment; agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. REED, Mr. PATTERSON, and Mr. STECK as conferees on the part of the Senate.

RELIEF OF WORLD WAR VETERANS

Mr. WATSON. Mr. President, I move that the Senate proceed to the consideration of the bill (H. R. 13174) to amend the World War veterans' act, 1924, as amended.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Finance with amendments.

Mr. WATSON. I ask unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be disposed of first.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill will be read for action on the amendments of the committee.

The Chief Clerk proceeded to read the bill.

The first amendment of the Committee on Finance was on page 6, line 3, to strike out—

No suit shall be allowed under this section unless the same shall have been brought within six years after the right accrued for which the claim is made prior to May 29, 1929, whichever is the later date.

And to insert:

No suit on yearly renewable term insurance shall be allowed under this section unless the same shall have been brought within one year after the date of approval of this amendatory act or within one year after final disallowance of the claim by the director, whichever is the later date, and no suit on United States Government life (converted) insurance shall be allowed under this section unless the same shall have been brought within six years after the right accrued for which the claim is made.

Mr. WATSON. Mr. President, I wish to make a very brief statement in connection with the bill at this time. We are familiar with the fact that the House passed a bill and the Senate passed the same bill, but the President vetoed it. Thereupon, the House passed a substitute measure which came to the Senate and was referred to the Committee on Finance. After two days' consideration by the Finance Committee the bill was reported back to the Senate with sundry amendments and is now before us for our consideration.

It may be interesting in this connection to note that the other bill which the Senate passed, this being similar to it, contained 46 amendments. In other words, what I am trying to show the Senate very briefly is that the bill which passed the Senate and the bill we are now considering contained 37 items of the same character. There were four amendments added by the Committee on Finance. I shall very briefly mention them. The report sets them forth in detail and shows what they are and what is their purpose.

The first committee amendment extends for one year the time in which insurance suits should be instituted. There having been many cases of injustice because of that limitation, the committee unanimously resolved that the time should be extended one year.

The second is an amendment authorizing the Attorney General to compromise insurance suits. There was some little difference of opinion about that in the committee. The committee were not unanimous, but a clear majority were in favor of the amendment reported, because of the length of time it takes to try suits, the amount of preparation required, the expense of preparation and of trial, and then of the appeal to the highest courts to which appeals are taken in cases of this kind.

It is believed that where the attorneys representing the Government and the attorneys representing the claimant may agree upon a compromise, which shall have the approval of the court, it ought to be permitted. It ought to be permitted because probably they would arrive at as fair and just a conclusion as would be reached after a long trial. It would save money and time and do justice to the Government, and at the same time do full justice to the claimant.

Amendment No. 3 provides for the elimination of the provision discontinuing payments of compensation to veterans who enlisted subsequent to November 11, 1918. There are a great many of these marginal cases. There may have been some reenlistments along about that time. In that twilight zone are many soldiers who we thought ought to be taken care of, and yet they are not pensioned under the regular peace-time pension legislation which was enacted by Congress a great many years ago. It will not be much of a saving so far as many cases are concerned, because these soldiers would all be pensionable under the peace-time legislation of Congress and could get their pensions through the regular Pension Bureau anyhow. But we thought this was a very meritorious provision and I think it was unanimously approved by the committee.

The next amendment——

Mr. WALSH of Massachusetts. Mr. President, before the Senator leaves the item he has been discussing may I ask him a question?

Mr. WATSON. Certainly.

Mr. WALSH of Massachusetts. I want to inquire for the RECORD how many suits are pending in the courts against the Government?

Mr. WATSON. I can not answer the Senator's question.

Mr. REED. Mr. President, I am informed there are 5,100.

Mr. WALSH of Massachusetts. Would the provision for extension of time contemplate permission for the filing of suits for one further year?

Mr. WATSON. Yes.

Mr. WALSH of Massachusetts. At present no suit can be compromised, but all must be tried under the law?

Mr. WATSON. That is correct.

Mr. WALSH of Massachusetts. This provision is for an arrangement being made in the nature of a compromise between the attorney for the veteran and the United States district attorney, with the approval of the court?

Mr. WATSON. Yes.

Mr. WALSH of Massachusetts. I would like to inquire of the Senator, and I do this largely for the RECORD, if it is not a fact that a great many of these suits which have been filed were merely filed for the purpose of protecting whatever very remote rights the veteran might have?

Mr. WATSON. I can not answer the Senator in detail about that, because I am not familiar with it. If the Senator will permit me, I will ask a representative of the Veterans' Bureau who is sitting here at my side. [After a moment's consultation.] I am informed there were a large number of such cases.

Mr. WALSH of Massachusetts. What I have in mind is that now we are about to introduce into the law a proviso for the settling of these suits which will likely result in giving vitality and strength to a good many of the suits which they would not have if the provision for settlement were not contained in the law. In other words, a good many of them ought never to have been brought anyhow, and probably never would have been tried, but will now become cases which will be pressed for settlement. I would like the Senator's view about it.

Mr. WATSON. There is very much in what the Senator has said. I have not any doubt about it. He and I have both been practicing lawyers, and we know how cases of that kind are settled, and how cases in the marginal zone would be pressed for settlement under these conditions which would probably never go to trial.

Mr. WALSH of Massachusetts. I know the Senator will agree that it is a matter of discretion that ought to be exercised with very great care.

Mr. WATSON. Yes. After all, it depends on the administration. I am assuming that lawyers for the Government will be watchful of the interests of the Government and vigilant in protecting the rights of the Government. Of course, we all know the lawyer for the claimant will be vigilant. With the court sitting to exercise final authority in the matter, because it can not be done without his approval, I am assuming that after all the right thing will be done.

Mr. SWANSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Virginia?

Mr. WATSON. Certainly.

Mr. SWANSON. Does this provision apply to suits filed in the future or is it merely to dispose of pending suits?

Mr. WATSON. Both past and future suits.

Mr. SWANSON. As I understand it a great many suits have been brought in the past on account of a desire to save and protect remote rights which the claimant might have. Is this to enable them to save more remote or very remote rights when they had no chance of getting a decision in their favor, and to enable them to bring a suit now and force a compromise? Does it not tend to encourage the filing of cases of that kind?

Mr. WATSON. I just told the Senator from Massachusetts that I think there is very much in that idea, but after all the court will be sitting, having the whole matter in charge, being familiar with the facts as well as the law. The court would undoubtedly know whether or not a compromise should be made and whether or not a just proposition was offered. I do not think anyone would be seriously injured by it, although, as the Senator from Massachusetts well said, it is a power that ought to be exercised with great care.

Mr. CARAWAY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Arkansas?

Mr. WATSON. I yield.

Mr. CARAWAY. It is a power always exercised in other litigation, is it not?

Mr. WATSON. That is true.

The next amendment, amendment No. 4, is a provision eliminating the requirement that the veteran be entitled to exemption from payment of Federal income tax before receiving disability allowance. We had some debate on that provision, but, after all, by a clear majority the amendment was agreed to.

Mr. President, the contest over this measure in reality is not because of the things that are in it, but because of things that are not in it.

Mr. GEORGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Georgia?

Mr. WATSON. Certainly.

Mr. GEORGE. May I not inquire of the Senator if the committee did not provide for an amendment to the provision on page 23, line 12? My recollection is that an amendment was made to that provision. The House text there provides for the loss of one or more feet or hands in active service in line of duty between April 6, 1917, and November 11, 1918, being made compensable at the rate of $25 per month. My recollection is there was an amendment accepted to that provision.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Pennsylvania?

Mr. WATSON. Certainly.

Mr. REED. My recollection is that the committee agreed to insert in line 14, after the word "hands," the words "as the result of a casualty incurred in active service," so as to take care of the man who was wounded before the armistice and lost his limb after the armistice.

Mr. GEORGE. That is my recollection.

Mr. REED. I think the committee so ordered.

Mr. GEORGE. I am sure it did.

Mr. REED. At the appropriate time I shall propose such an amendment.

Mr. COPELAND. Mr. President, will the Senator from Indiana yield?

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from New York?

Mr. WATSON. I yield.

Mr. COPELAND. When the veterans' relief bill was here previously I suggested that the date November 11, 1918, should be changed to July 2, 1921, so that a veteran who was actually in the service, perhaps on the Rhine, or in some sort of service after the armistice but before the termination of the war, might receive similar compensation for disability. I know of one such case in particular. It seems to me that that veteran ought to be given the same consideration as one who had his leg shot off in the service.

Mr. WATSON. In other words, the Senator wants to continue it until the time when we fixed the official termination of the war, which was the 2nd of July, 1921?

Mr. COPELAND. That is right. The language is clear that the loss must have occurred in active service in line of duty. It would seem to me that a soldier in active service in line of duty after the armistice and preceding the technical termination of the war should get the same consideration.

Mr. WATSON. We did not think so. We had some discussion about it and thought that after the armistice was declared and the war was over a man really was not entitled to any more pension then than a National Guard man.

Mr. COPELAND. Undoubtedly a great many soldiers will be pensioned who lost a limb before November 11, 1918, but who did not have that misfortune in battle. It may have been as the result of an automobile accident.

Mr. WATSON. That is quite true.

Mr. COPELAND. I think, and thought before when we had the bill up, that we ought to give the same consideration to the soldier who lost a limb after the armistice and before the official termination of the war.

Mr. WATSON. Of course, they can go to the Pension Bureau and get pensions as peace-time soldiers. If a man lost a leg, he should get compensation, of course, but I am talking about those who enlisted after the armistice. The Senator wants to include those who enlisted after the official declaration of the close of the war, which was the 2d day of July, 1921.

Mr. COPELAND. I do not know how long the enlistment may have been. He might have enlisted at the very beginning of the war.

Mr. REED. Mr. President, if the Senator from Indiana will permit me——

Mr. WATSON. Certainly.

Mr. REED. This is the same question that runs through all pension or compensation legislation. Of course, it is self-evident that the soldier who dies in peace time is just as dead as the soldier who is killed in battle in war time.

We can not, however, cease to draw the distinction between service in war and service in peace. We must remember that a soldier who enlisted after the armistice, or who was hurt in the service after the armistice, really is no more deserving of special consideration than is a National Guard man who is hurt in July, 1930, while he is attending a military encampment. Both are peace-time services, and Congress has seen fit to give especial care to men who are hurt in war time.

As I have stated, if a man loses a leg in 1930, he suffers just as much as the man who had a leg shot off in 1918, but they can not both receive the same treatment.

Mr. COPELAND. Mr. President, I think the Senator missed the point I have in mind. There were thousands of soldiers in Europe for a long time after November 11, 1918, were there not?

Mr. REED. Yes; they were there for four years after that.

Mr. COPELAND. Anyway, they were there until the final termination of the war on July 2, 1921. It may have happened that a soldier was out on some advanced line on the 12th of November, the day after the armistice, and on his way back his motor cycle ran over a bomb, which blew off a leg. That man was just as much in line of duty as a man who lost his leg on the 10th of November, the date preceding the armistice.

Mr. REED. Of course, Mr. President, that man would receive very generous compensation under the World War veterans' act.

Mr. COPELAND. Would he receive as much as he would under this proposed law?

Mr. REED. This is merely an additional allowance of $25 a month for men who lost limbs while in the service during the period of hostilities.

Mr. COPELAND. Of course, "while in service" would not necessarily mean a wound from some missile.

Mr. REED. Oh, no. Only about one-fourth of the men in military service in the World War ever heard a hostile shot fired.

Mr. COPELAND. What is the real reason, then, why the soldier who lost a limb between the 11th of November and the 2d day of July, 1921, which was the official end of the war, if he were in active service in line of duty, should not have exactly the same treatment as a man who lost his limb before the armistice?

Mr. REED. The House did not think so, and the Senate Finance Committee did not think so, although a pretty strong argument may be made in favor of such a contention.

Mr. COPELAND. Does not the Senator from Pennsylvania think so?

Mr. REED. No; frankly, I do not. I think we made a great mistake in the beginning, when we treated injuries after the armistice as injuries incurred in the war. I think those men were in no more danger than the men in the Army to-day who naturally are constantly being hurt. I do not think that injuries after November 11, 1918, should be treated any differently from injuries received in any other period of peace.

Mr. COPELAND. They are a good deal like accidents in civil life, I take it?

Mr. REED. Yes. However, we have done it, and we can not take back what we have once given.

Mr. GEORGE. Mr. President, may I say to the Senator that if the injury was incurred in line of duty between November 11, 1918, and the actual end of the war, July 2, 1921, we have treated the soldier differently so far as compensation is concerned. The only thing denied him is this additional $25.

Mr. REED. That is exactly correct.

Mr. COPELAND. As I felt the other day, when we had under consideration the other bill, I fail to get the distinction here. It does seem to me as if this date should be the date of the termination of the war. I am not going to press the matter, but at the same time I feel keenly that that would be only just.

Mr. WATSON. Mr. President, this measure has the very cordial indorsement of the Director of the Veterans' Bureau, who made an elaborate statement to the committee, in which he set forth the reasons why, in his judgment, it should be passed.

We all know that, as an original proposition, the Legion was not for a pension bill or a pension system. They promised when we passed the bonus act that they would not ask for pensions; and yet, because of present conditions, they came to indorse this bill. The indorsement was given by Mr. John Thomas Taylor, their representative here, who read into the record a telegram from O. L. Bodenhamer, the national commander. I ask unanimous consent to insert that telegram in the RECORD as part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The telegram referred to is as follows:

[Telegram]

INDIANAPOLIS, IND., *June 27, 1930.*

JOHN THOMAS TAYLOR,

Washington, D. C.:

Press reports that the House has sustained presidential veto of H. R. 10381 by vote of 188 to 181 and that House has passed new bill for disabled men by vote of 365 to 4. Am informed that this new bill contains some 37 amendments which include practically all of those contained in the original House bill. Our request for the extension of time in which to bring suits on insurance claims is not met by the new bill, nor is the comptroller taken out of the bureau as we requested. Request that you suggest to the Senate committee having charge of this legislation that these two changes be made.

The proposed amendment to section 200 is a departure from the established policy of the Legion, and I am therefore in no position to comment thereupon. The Legion presented and urged its proposed amendment to section 200 to the House committee and to the House itself and to the Senate Finance Committee, but after due consideration the House has selected this new method of disability compensation in preference to the Legion proposal. The press has carried the news constantly that this was done with the approval of the President. Under these circumstances, it is fair to assume that this legislation has his indorsement and that he will sign the bill. Undoubtedly this legislation will benefit thousands of disabled veterans whose disabilities have not been proved service-connected under existing law, but many of whom are entitled to the benefit of the doubt. Senate Finance Committee will doubtless hold immediate hearings on this bill. I request that you speak for me and assure them of our appreciation of their interest in this disability legislation and urge them to report out immediately the bill with amendments suggested above, thus making possible the speedy enactment of this legislation into law. Am sure that veterans and the American people as a whole will be happy to see this immediate relief for our disabled. The Legion is unselfish and sincere in its desire for speedy action. Regards.

O. L. BODENHAMER,
National Commander.

Mr. WATSON. Mr. President, this measure, in my judgment, is one the House will approve, and one the President will approve, and I think we ought to accept a measure which this body will approve, which the House will approve, and which the President will approve, and finish this legislation.

Mr. President and Senators, we have started out on a pension system so far as the soldiers of the World War are concerned; we have come to it in this measure; and we all know that in the days to come, with each succeeding session of Congress, the rates provided are likely to be increased, and will be increased, from time to time, just as they have been in the case of the soldiers of the Civil War, and just as they have been increased in the case of the soldiers of the Spanish-American War. So I think that it is not essential that these rates should be so high in the beginning. Therefore I am opposed to inserting in this particular bill at this particular time the rates provided in the Spanish-American War soldiers' bill. It is useless to argue an amendment until it is proposed, but when it is proposed we can then give our reasons why the rates which will be suggested should not be adopted at this time.

Mr. President, I do not care to make any further remarks on this subject, but I do earnestly trust that this bill will pass as it came from the Finance Committee, because I believe that the House will approve it, and I am sure the President will approve it.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Montana?

Mr. WATSON. I yield.

Mr. WALSH of Montana. I hope the Senator will tell us a little more in detail about the amendment proposed by the committee on page 6. I refer to the amendment relating to the statute of limitations.

Mr. WATSON. I am not at all well to-day, and I am going to turn the measure over to the Senator from Pennsylvania.

Mr. REED. Mr. President, the amendment on page 6 amounts to an extension of one year for the bringing of suits under term-insurance policies. Without that amendment from now on no suit could be brought on term-insurance policies which fell due more than six years ago, but if this amendment is adopted, it is equivalent to giving an additional year to the holders of such policies to bring their suits. Does that answer the Senator's question?

Mr. WALSH of Montana. It answers the question, but it answers it unfortunately. Accordingly, if the right accrued two years ago, although suit can now be brought, there would not be that right under this proposed statute except for one year after its enactment. Suppose the right accrued in 1927; under the existing law the veteran has six years from the time the right accrued within which to bring the action, which would mean 1933, but the provision in this bill would cut that down to a year after the passage of the act.

Mr. REED. That is true, Mr. President; it would have that effect.

Mr. WALSH of Montana. I trust we are not going to take from the veterans any rights which they now have.

Mr. REED. Mr. President, it is a mere speeding up of the process of settlement of term insurance. The United States Government is going to be the loser to the extent of about $1,000,000,000 on its liability under those old-term insurance policies, and the sooner we can liquidate and determine the amount of our bill the better it will be. That is what the committee had in mind in adopting this language.

Mr. WALSH of Montana. It seems to me that is exceedingly drastic, Mr. President. The complaints of the veterans with respect to the statute of limitations provision seem to me to be very meritorious and very well founded.

The amendment proposed by the committee concludes as follows:

And no suit on United States Government life (converted) insurance shall be allowed under this section unless the same shall have been brought within six years after the right accrued for which the claim is made.

The trouble about that, Mr. President, is that the insurance policy entitles the surviving dependents to recover in the event the veteran's death or the insured himself to recover in the event of his total disability. Section 300 of the World War veterans' act of 1924 reads:

In order to give to every commissioned officer and enlisted man and to every member of the Army Nurse Corps (female) and of the Navy Nurse Corps (female) when employed in the service under the War Department or the Navy Department protection for themselves and dependents, the United States, upon application to the bureau and without medical examination shall grant United States Government life insurance (converted insurance) against the death or total permanent disability of any such person in any multiple of $500—

And so on and so forth.

Under that provision the insured who suffers total permanent disability is required to institute his action within six years from the time the right accrues. But now who shall determine when it accrues? Take the case of a veteran afflicted with tuberculosis. Here is a man who has insurance which entitles him to recover in the event of total permanent disability. Who shall say when a man afflicted with tuberculosis suffered permanent total disability.

Mr. REED. If there is any evidence the jury is the tribunal to determine the question.

Mr. WALSH of Montana. Oh, yes; but let us consider the fact that tuberculosis is a lingering disease. In the beginning one afflicted with it is not totally disabled at all; he can do light work, and the disease may continue dormant for many years, gradually possibly growing worse, and under some circumstances immediately flaring up and becoming exceedingly acute. When, pray, does the right of action of that man on his insurance commence?

Mr. REED. At the time of his total disability, when he could not do any more work.

Mr. WALSH of Montana. Exactly; but he is always hopeful—that is a characteristic, as physicians will testify, of the disease—he is satisfied that he is going to get well and that he is not going to be permanently disabled, and so he puts off from time to time the institution of his action to recover on his insurance, being himself unable to assert that he is permanently and totally disabled. So he puts it off from time to time, and eventually the Government comes in and says that he has had tuberculosis more than six years and has been permanently disabled all that time and, therefore, he is not entitled to recover on the policy. That is a very unfortunate situation.

Mr. REED. I never heard of such a case happening.

Mr. WALSH of Montana. I have called attention to the situation as set forth by Mr. Pugh, of my State, who for years has been handling, without compensation of any kind whatever, scores of these cases before the Veterans' Bureau, himself a veteran and a lawyer of some distinction, who calls attention to the fact that the veteran is called upon to decide the time when he is permanently totally disabled, when physicians will disagree about the matter, and the Veterans' Bureau has been unable thus far to lay down any rule by which the fact can be determined. He must apply to the bureau for his insurance, and his claim must be allowed. They must determine whether he is or is not permanently disabled. Under those circumstances, why should he not have a definite time after that determination by the bureau within which to institute his suit?

Mr. REED. Mr. President, the case that the Senator suggests is almost impossible of occurrence. If the Government claims that the man is permanently disabled, the necessary result of that claim by the Government is the immediate payment of the benefits.

Mr. WALSH of Montana. Oh, but the Government will claim that he has been permanently disabled for more than six years.

Mr. REED. I never heard of a case where the Government made that claim and at the same time refused to pay the policy.

Mr. WALSH of Montana. That is the effect of pleading the statute of limitations. They simply plead that his right accrued more than six years prior to the institution of his action.

Mr. REED. Major Roberts, of the Veterans' Bureau, tells me there never was such a case.

Mr. WALSH of Montana. But the Senator, as a lawyer, can see that that is easily possible.

Mr. REED. I can see that it is possible, yes, but it never has happened. It would be a confession of wrongdoing for the bureau to take such a step.

Mr. WALSH of Montana. By no means. The bureau contests his claim. The bureau contends, as a matter of fact, for some reason or other that he is not entitled to recover, and it also claims that even if he were entitled to recover the statute of limitations bars him.

Why, Mr. President, ordinarily a man who pleads the statute of limitations does not admit that but for the statute of limitations he would be liable. He contends that for various reasons he is not liable; but he also contends that even if he were liable the statute of limitations has run, and that has barred the action.

Mr. REED. Mr. President, we must bear in mind, too, that in addition to the statute of limitations which is set up against suits on these policies there is a provision that the statute shall be tolled for the period while the claim is under consideration by the bureau. The sum total of those two periods—the 6-year statute of limitations plus the time when the bureau was considering the claim—ordinarily amounts to a very considerable period; and it is necessary to have some point at which these suits are cut off, because we can all see the difficulty under which the Government labors in securing evidence to meet the claim of a condition which is peculiarly personal to the veteran himself and is peculiarly hard for the Government to prove or disprove. The Government has to have some protection in this matter or these stale claims will come in 20 years afterwards, and the Government will be absolutely defenseless.

Mr. WALSH of Montana. Really, the idea of the great Government of the United States being at a disadvantage in a lawsuit with a veteran would strike the ordinary lawyer as rather remarkable. With all the power at their command, all of the forces of the Government at their back, and all of the money that they need for the defense of the case and the preparation of it, it seems rather startling to assert that the Government is at a disadvantage.

Mr. REED. Perhaps that seems startling; but the plain truth is that about half these suits are lost because of the sympathy of the jury, which is invariably against the Government and with the plaintiff.

Mr. WALSH of Montana. The Senator, I am sure, would not have it otherwise.

Mr. REED. I am not sorry about that; no; but that is the plain truth—that the defense of the suit is extremely difficult.

Mr. WALSH of Montana. But it seems to me we ought at least to give the Government no great benefit out of a technical defense like the statute of limitations. Of course, I agree that there should be some limit, but why is there not a sufficient limit if we begin the running of the statute when the case is finally disposed of by the Veterans' Bureau? Then he is required to bring the suit within a certain time. I would make the limit less. I would make it, say, about three years after the determination by the director. The veteran might in the first place conceive that perhaps, after all, he had better accept the decision of the director; but later on he might consult some attorney about the matter, who would convince him that he could have the determination of the director reversed. So I should say that he ought to have at least three years from the time of the determination of the director rejecting the claim within which to institute suit, if he desires to do so.

Mr. REED. He has even better than that under the converted insurance. He has six years, plus all the time that the bureau was sitting on his case.

Mr. WALSH of Montana. Yes, but six years from the time his total permanent disability arose; and the trouble is about determining when that is. As I have indicated, a man will put it off and put it off and put it off and put it off in the case of tuberculosis; and even in the case of neuropsychiatric cases it often occurs that a man who is stark mad, in the estimation of all his friends and associates, still insists that he is as sound mentally as any man, and so he will not make an application for relief in a case of that kind, nor will he permit his friends to make an application for relief for total permanent disability. The cases are sad ones; and I think that in respect to a matter of that kind the interposition of a purely technical defense, we ought not to give the Government the advantage which this statute affords, and particularly I am sure that we ought not to take away from the veterans rights which they now have.

Mr. REED. Mr. President, just a word in reply to the suggestion in regard to the man who is stark mad.

Under the law the statute of limitations does not run against an incompetent during the period of the incompetency. That is true both as to minor dependents of the veteran and as to the veteran himself if he is incompetent mentally. No injustice is done them.

Mr. WALSH of Montana. That is quite right; but we are still confronted with the proposition of determining when his mental incompetency arose.

Mr. REED. It is a matter of utter indifference under this phase of the matter. It does not affect the statute of limitations at all. The policy is not due until he becomes incompetent; and the moment he is incompetent, and the policy falls due, his incompetency tolls the statute. There is not any statute running against him.

Mr. WALSH of Montana. Of course, that is correct; but we still encounter the question as to when he did become incompetent.

Mr. REED. Of course, we have that in every case; but we can not affect that by statute, because it is a question of fact in each case.

Mr. WALSH of Montana. Yes; except it is put as I suggest, that the running of the statute is started at the time the director rejects the claim. Then we have a definite date from which we can start the running of the statute.

I have offered an amendment to this part of the bill, Mr. President. I will ask that a page bring it to me.

Mr. REED. The Senator has noted the language of line 10, on page 6; has he not?

Mr. WALSH of Montana. Yes; on line 10 it provides that suit must be brought within one year after the rejection of the claim by the director, in the case of the yearly renewable term insurance; but with respect to the converted insurance the statute remains six years from the time the right accrues.

Mr. REED. Oh, yes; and it ought to. This is legislation for the future. Surely it would be a shocking thing if I, for example, could come to the director 20 years from now, and say, "I was disabled back in 1930, and I want you to pay me my insurance." The director would say, "No; I will not do it. Your evidence does not convince me." Then I would have three years, commencing at the time he said that, in 1950, to bring a suit that I ought to have brought this year. That is the way it would work out.

Mr. WALSH of Montana. Of course, the lapse of time, in all reasonable probability, in such a case as the Senator suggests, would itself operate to deny the reasonableness of the claim.

Mr. REED. It ought to. It would in some cases, but not in all.

Mr. WALSH of Montana. Mr. President, I move to amend the amendment by striking out "one year," in line 9, page 6, and substituting in lieu thereof "three years."

The PRESIDING OFFICER. The clerk will state the amendment offered by the Senator from Montana to the amendment of the committee.

The CHIEF CLERK. In the committee amendment, on page 6, line 9, strike out "one year" and insert "three years," so that it will read:

> No suit on yearly renewable term insurance shall be allowed under this section unless the same shall have been brought within one year after the date of approval of this amendatory act or within three years after final disallowance of the claim by the director, whichever is the later date, and no suit on United States Government life (converted) insurance shall be allowed under this section unless the same shall have been brought within six years after the right accrued for which the claim is made.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

DIKE ACROSS CAMAS SLOUGH, WASH.

Mr. JONES. Mr. President, I have here a matter that is rather urgent, because of the nearness of the end of the session. A similar bill is on the calendar in the House.

I desire to report, from the Committee on Commerce, a bill permitting the construction of a dike across a slough on the Columbia River without interfering with navigation and without developing water power; and I submit a report (No. 1139) thereon. I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the report will be received.

Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (S. 4663) granting the consent of Congress for the construction of a dike or dam across the head of Camas Slough to Lady Island on the Columbia River in the State of Washing-

ton, which had been reported from the Committee on Commerce with amendments.

Mr. GEORGE. Mr. President, is this a House bill?

Mr. JONES. No; it is a Senate bill. A House bill on the subject is on the calendar in the House; and if I can get this bill over there it will expedite the passage of the measure.

The amendments were, on page 1, line 5, before the word "or," to strike out "dyke" and insert "dike"; in the same line, before the word "at," to insert "(Washougal Slough)"; in line 8, before the word "or," to strike out "dyke" and insert "dike"; in line 10, before the words "Chief of Engineers," to strike out "Secretary of War and the"; on page 2, line 1, after the word "Army," to insert "and the Secretary of War"; in the same line, before the words "*And further provided*," to insert "*Provided further*, That in approving the plans for said dike or dam such conditions and stipulations may be imposed as the Chief of Engineers and the Secretary of War may deem necessary to protect the present and future interests of the United States"; on page 2, line 2, to change the word "dyke" to "dike"; and after line 3, to insert the following additional section:

SEC. 2. The authority granted by this act shall cease and be null and void unless the actual construction of said dike or dam hereby authorized is commenced within one year and completed within three years from the date of approval of this act.

So as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the Crown Willamette Paper Co., of Portland, Oreg., to construct a dike or dam across Camas Slough (Washougal Slough) at a point near the mouth of Washougal River to Lady Island, State of Washington: *Provided*, That the work of constructing this dike or dam shall not be commenced until the plans therefor have been filed with and approved by the Chief of Engineers of the United States Army and the Secretary of War: *Provided further*, That in approving the plans for said dike or dam such conditions and stipulations may be imposed as the Chief of Engineers and the Secretary of War may deem necessary to protect the present and future interests of the United States: *And provided further*, That this act shall not be construed to authorize the use of such dike or dam to develop water power or generate hydroelectric energy.

SEC. 2. The authority granted by this act shall cease and be null and void unless the actual construction of said dike or dam hereby authorized is commenced within one year and completed within three years from the date of approval of this act.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting the consent of Congress for the construction of a dike or dam across the head of Camas Slough (Washougal Slough) to Lady Island on the Columbia River in the State of Washington."

RELIEF OF WORLD WAR VETERANS

The Senate resumed the consideration of the bill (H. R. 13174) to amend the World War veterans' act, 1924, as amended.

The next amendment of the Committee on Finance was, on page 8, after line 22, to insert:

Upon a report by a district attorney or any special attorney having charge of the defense of any suit instituted under this section showing in detail the condition of the claim and the terms under which the same may be compromised, and recommending that it be compromised upon the terms so offered, the Attorney General is authorized, with the approval of the court, to compromise such claim, and the court is authorized to enter a judgment in accordance with such compromise. When such compromise is reduced to judgment, the director is authorized and directed to make an award in payment of such judgment, under section 16 of the World War veterans' act, 1924, as amended, if the compromise relates to yearly renewable term insurance, and/or under section 17 of the World War veterans' act, 1924, as amended, if the compromise relates to United States Government life (converted) insurance, and the appropriation for military and naval insurance and/or the United States Government life insurance fund is hereby made available for the payment, respectively, of such judgments.

Mr. WALSH of Massachusetts. Mr. President, I have a minor amendment I would like to offer to this section, which probably will be accepted by the Senator from Pennsylvania, although I have not had an opportunity to confer with him. The amendment is on page 9, line 3, after the word "general," to insert the words "upon presentation to the court of his reasons in writing."

The purpose of the amendment is to try to lessen the local pressure and the possible collusion which might be exerted to help bring about settlements of cases. It would place the final responsibility upon the Attorney General and require him to state in writing to the court his reasons for settling cases.

Mr. REED. Mr. President, it occurs to me that that might embarrass the Attorney General; but I think the wise thing to do is to accept the amendment for the present.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was on page 15, line 15.

Mr. REED. That amendment is merely in order to get rid of a comma which has no business there.

The amendment was agreed to.

The next amendment was, on page 16, line 1, after the word "claims," to strike out the comma and the following:

That the provisions of this act shall apply only to ex-service men who entered the service, were inducted or who applied for enlistment, prior to November 12, 1918, and their dependents, but payment to any persons now receiving benefits under the act shall not be discontinued by reason of this proviso for a period of one year following approval of this amendatory act.

The amendment was agreed to.

The next amendment was on page 16, line 25, to strike out the colon and the following:

Provided, That no disability allowance under this paragraph shall be payable to any person not entitled to exemption from the payment of a Federal income tax for the year preceding the filing of application for such disability allowance under this paragraph.

The amendment was agreed to.

The next amendment was, on page 17, to strike out lines 21 to 25 and lines 1, 2, and 3 on page 18, as follows:

The Secretary of the Treasury is hereby directed, upon the request of the director to transmit to the director a certificate stating whether the veteran who is applying for a disability allowance under this paragraph was entitled to exemption from the payment of a Federal income tax for the year preceding the filing of application for the disability allowance, and such certificate shall be conclusive evidence of the facts stated therein.

Mr. FESS. Mr. President, I would like to ask the Senator from Pennsylvania a question about this.

Mr. REED. Mr. President, this is the second income-tax provision. The bill as it came from the House provided that no veteran who had enough income to be required to pay an income tax should get the benefit of this disability allowance. The Finance Committee, on a division, struck that out.

Mr. FESS. Mr. President, I would like to have the attention of the Senator just a little while on that amendment.

Pension legislation is always a sensitive subject to discuss, especially if what one is about to say might seem adverse. I had hoped that the views of the American Legion—that we would not enter upon pension legislation thus early—might be the view of the Senate and of the House and of the administration. As was stated here a while ago when we were discussing the question of adjusted compensation, one of the strongest arguments for the paid-up insurance plan finally adopted, which would result in a settlement in 20 years, was that it would defer pension legislation for at least a reasonable time.

I think anyone conversant with the history of our country knows that pension legislation is inevitable, that it is bound to come. It is coming a good deal earlier than I had anticipated. I thought that in all probability it might be deferred until the settlement of the paid-up insurance policies, and for that reason I have urged on veterans that we not enter upon the regular pension system with the World War veterans until at least such period had elapsed that the need became obvious. I know such a time is coming, and it is only a matter of time as to how soon it will come.

Mr. REED. Mr. President——

The PRESIDING OFFICER (Mr. MCNARY in the chair). Does the Senator from Ohio yield to the Senator from Pennsylvania?

Mr. FESS. I yield.

Mr. REED. Does not the Senator think there is an important difference between disability pensions, such as are provided here, and general service pensions, which go to every veteran regardless of disability?

Mr. FESS. Yes; that is true.

Mr. BORAH. That is true, but it will be only a short time before the other demand comes.

Mr. FESS. The Senator is right.

Mr. REED. I am afraid the Senator is right, but it seems to me that compared with the bonus system the pending bill is infinitely superior. The bonus, no matter what we called it, was a pension paid to veterans regardless of their need for it. The

benefits under this legislation would go only to veterans whose need is unmistakable.

Mr. FESS. The Senator is correct, as I see it.

There is a very pronounced determination on the part of every Senator and every Member of the House, and I think of all of our citizens, to do the right thing with those who bore the colors and subjected themselves to the embarrassment and dangers of war. One of the most outstanding pieces of legislation in the history of the world in reference to pensions was the World War veterans' act, known as the war-risk insurance legislation, which was suggested by the then Secretary of the Treasury, I think, Mr. McAdoo, who came before the committees of Congress and made a very strong presentation, in which he made this very significant statement:

> Our soldiers are not yet in action, and therefore no one has fallen, but they will be in action very soon, and they will be suffering disability and the casualties of war.

He therefore suggested that instead of following the old plan, waiting until a soldier was disabled, we immediately make provision, even before anyone had fallen, to take care not only of any who might fall but also of their dependents. I regard war-risk legislation, which was signed on the 6th or 7th of October, 1917, as one of the most far-reaching and humane bits of legislation in the history of warfare.

As every one will note, that legislation provided for three major items: First, compensation; second, allotment and allowance; third, insurance. I see in the Senate now those who were Members of the House of Representatives at the time that question was being discussed, and they will recall that an amendment was offered to add a fourth major item; namely, a provision for rehabilitation by the Government of disabled soldiers. While that was not made a part of the law, it was taken up after elaborate survey and was written into a separate measure, and the amount of money expended under that provision of the law looking to the rehabilitation of the wounded or otherwise disabled soldier was an enormous amount. It went away beyond what any of us thought it would cost. I recall that when a $2,000,000 authorization was asked as the initial provision there was a considerable opposition on account of the amount. Yet all of us recall single sessions when nearly $50,000,000 was recommended for a particular year.

That work, so far as the soldier is concerned, is about completed. The other provisions of the law, however, are operative, and I think are quite effective.

I had hoped that that law would obviate the necessity for pension legislation, and for that reason I have been urging that we not enter upon that policy. But there is no doubt about the pension legislation. If it does not come now, it will come in due time.

My concern about the matter is whether we are going to regard at all the question of the need of the soldier, or whether we are going to regard it as a principle that, no matter who went into the war or what his condition was when he came out, he should be paid a pension anyway. Some people would go so far as to say that even if he did not come out disabled he should be paid a pension. Others say that if he comes out disabled he ought to be rated.

Mr. BORAH. Mr. President, will the Senator yield?

Mr. FESS. I yield.

Mr. BORAH. Does not the Senator think that the system upon which we are entering through this legislation will inevitably go to the point which he is now discussing?

Mr. FESS. I think so.

Mr. BORAH. I think it is unfair and unjust to the veteran and unfair to the taxpayers of the United States. This pension system does not meet the problem, and yet it will fasten upon the taxpayer a stupendous burden.

Mr. FESS. In other words, if the question of the need is entirely eliminated, then the necessity to show disability will be eliminated in a very little while.

Mr. BORAH. Certainly.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The CHIEF CLERK. A bill (H. R. 10288) to regulate the transportation of persons in interstate and foreign commerce by motor carriers operating on the public highways.

Mr. REED. I ask that the unfinished business be temporarily laid aside, that the Senate may continue the consideration of the World War veterans' bill.

The PRESIDING OFFICER. Without objection, it will be so ordered.

Mr. FESS. My thought was that if this is to be our policy, recognizing the tremendous charge that is bound to come, we ought to proceed as we have heretofore proceeded in reference to Civil War veterans and Spanish-American War veterans; that is, to base the relief on the needs in time so that those who are to-day perfectly well and sound may hereafter in old age obtain some sort of pension. Two boys of my own family served in the World War. One of them went through the drives in France. Neither one is in position now to justify any claim of relief from the Government, and I should be ashamed of them if they should at this stage. But there may be a time, when feebleness comes on, when there might be a justification such as we require now in the case of Civil War veterans and Spanish-American War veterans. I am discussing that feature of the matter. But only 12 years after the close of the World War we are entering upon a policy which in time will embrace the 4,300,000 soldiers of the World War.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Idaho?

Mr. FESS. I yield.

Mr. BORAH. Has the Senator from Ohio or the Secretary of the Treasury or any other distinguished financier undertaken to estimate what this system is going to cost us?

Mr. FESS. I do not think anyone can estimate what it will ultimately cost.

Mr. BORAH. The sky is the limit.

Mr. REED. The cost of the provisions of the bill have been very carefully estimated.

Mr. FESS. I understand so; but the Senator from Idaho means the ultimate cost.

Mr. BORAH. Under the system which we are inaugurating by this bill, it will inevitably take the course that all other pension systems have taken.

Mr. FESS. I do not mean to say we can not estimate what the particular measure will cost us for the next year or two, but I mean that nobody can tell what it will ultimately cost us. If we start out 12 years after the war on the theory that we are not going to regard need at all as the element of compensation, then the next step will be service without reference to disability, and if we reach that stage the minimum probably will be $12 a month. What would that amount to? It would be something like $600,000,000 a year and that would be only the beginning.

Every Senator is anxious to do the right thing by the soldier of course. There is no question about that. But it seems to me we ought to go slowly on this particular item. There ought to be the element of need entering into the matter, especially if the veteran has an income sufficient to require the payment of an income tax. Why should a single man, for instance, receiving $4 a day, be put on the same basis as the person who has no income at all, but is indigent? If he is a married man, or if he be a single man having dependents which would place him in the category with married men, he would have to have an income of $3,500. Why should we say, through a maudlin system, that if a man is getting $3,500 a year he should be treated in the regard of the Government just the same as one who is unfortunate and indigent? It does not seem to me reasonable.

Mr. BORAH. That is the fundamental basis of the pension system. There is no reason for taking into consideration the question of income if we are going to adopt the pension system. We are simply delaying the matter a short time. It will be a very short time until all these matters will be wiped out and the question of service alone will be the basis upon which we will enact our legislation. Well, that is not the true principle upon which to base legislation for the World War veteran.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Tennessee?

Mr. FESS. I yield.

Mr. McKELLAR. What would the Senator do in the case of widows whose husbands were killed during the war? If a man was killed during the war and left a dependent widow and perhaps some small children, are they not just as deserving?

Mr. FESS. The Senator knows that he and I assisted in the enactment of legislation that covers such cases and which is now upon the statute books.

Mr. McKELLAR. Not for World War veterans.

Mr. FESS. Oh, yes. That was covered by the World War act of 1917.

Mr. REED. The World War veterans' act of 1924 provides an allowance for the widow of a soldier as long as she remains unmarried.

Mr. FESS. Yes.

Mr. COUZENS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Michigan?

Mr. FESS. I yield.

Mr. COUZENS. Does the Senator think this particular amendment, to which the committee did not agree, covers the ground with respect to exempting those who do not need compensation? In other words, the provisions which the committee struck out contemplated that if the veterans pay an income tax then they are not to receive the pension or compensation under the act. That is not a correct line of demarcation between those who should have the disability pension and those who should not have it.

Mr. FESS. It may not be, but I think that is good evidence of the financial condition of the claimant.

Mr. COUZENS. But it is not equitable evidence. In other words, a person who works for his income and labors for it may have to pay an income tax and therefore not receive a disability allowance, while a person who has an income from dividends on tax-exempt bonds might be able to collect the disability allowance. If we are going to establish a rule to prevent from getting a disability allowance those who pay an income tax, we ought to adopt it on some other basis than the payment of the income tax.

Mr. FESS. I agree with the Senator. I see that inequity and wish we could get rid of it. But where the evidence can not be disputed we ought not to go to the extent of saying that those people are on the same basis for demanding relief from the Government as is the man who was injured. I hope that this amendment will not be accepted.

Mr. COUZENS. Does the Senator mean the committee amendment?

Mr. FESS. Yes; the committee proposes to strike out the provision we have been discussing.

Mr. COUZENS. If the Senate agrees to the provision in the bill which the committee struck out, it will be doing an equal injustice.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Kentucky?

Mr. FESS. I yield.

Mr. BARKLEY. I would like to call the Senator's attention to this fact. Of course, the $40, which is the maximum allowance carried in the bill, is for total disability. It is inconceivable that any man totally disabled would ever have an income that would make it necessary for him to pay an income tax unless he receives it from some other source than his labor or profession or whatever it may be. He may receive an income from investments wholly independent of his own personal activities. But the ordinary man who is totally disabled so as to come within the maximum provision of the bill can not be earning enough money from his current activities to require the payment of an income tax. Besides that the Secretary of the Treasury would be required under the provisions of the bill to certify those who paid income taxes for the previous year. Even though a man may have been in full health and strength and had been earning enough money to pay an income tax for the previous year, there is no assurance that he would continue that condition for another year. It would be 12 months after the end of the year for which the income tax would be payable before the Secretary of the Treasury would know whether for the current year he was subject to pay another income tax. It strikes me that to require the Secretary of the Treasury to issue a certificate as to the past year is not the proper way to do it.

If it were found that for 1929, for instance, a soldier paid an income tax he would be barred from the provisions of the bill, although he might have become totally disabled at the beginning of the year 1930 and the Secretary of the Treasury could not know that fact until 1931, when he would have to certify the taxable list for the year 1930.

Mr. FESS. If there would be an inequity of that sort it could be corrected. That is what I fear, I will say to the Senator from Kentucky. We are entering upon a general principle. There will be any number of people, such as the Senator mentions, who would not be covered by the law, as is the case in our Spanish-American and Civil War veterans. There will be individual bills introduced for the relief of individual World War veterans. If the Senator remains here very long he will have any number of people, not covered by the law which we are about to enact, who will appeal to him to introduce special bills for their relief. When we fix the limitation, if there is any, as to who the bill will include and then consider the widows and the orphans, and then the special bills which will come before us to cover cases which the pending bill does not cover, I can not see anything except, as the Senator from Idaho [Mr. BORAH] said, that "the sky is the limit."

It seems to me that we should largely be guided not only by the interest of the veterans, but also by the interests of the taxpayer, whose welfare the veterans always regard. I have thought that need, which is really the proper basis for compensation of this kind, for which the Senator and I would have much respect, is the better basis than that provided for in the bill, and that therefore we ought not to adopt the proposed policy now.

Mr. BARKLEY. I am impressed with the force of what the Senator from Ohio has said. I think it would have been much better at this stage of our legislation to have accepted even an extension of the theory which has marked all of our legislation thus far, that compensation or allowance, or pension or whatever it may be called, should in some way be connected with disability incurred as a result of the war in which they served. Of course, the fact that we could not get that sort of legislation is what brings this bill here now. We are not responsible for the situation. We have to deal with it as it is before us. I think the committee did not strike out this language through any desire that men who did not need the compensation should receive it, but it was the view and opinion that the cost of administering it under the different situations that might arise would really amount to more than would justify it and make it wise to provide in this language.

Mr. FESS. I appreciate the attitude the Senator from Kentucky is taking, but I think it would be much better legislation if we disagreed to the committee amendment and let the bill pass without the amendment in it.

The PRESIDING OFFICER. The question is upon agreeing to the committee amendment on page 17.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next amendment.

The next amendment of the Committee on Finance was, on page 29, line 1, after the word "incompetent," to insert the word "veteran," so as to read:

SEC. 214. Where an incompetent veteran receiving disability compensation under the provisions of this act disappears, the director, in his discretion, may pay to the dependents of such veteran the amount of compensation provided in section 201 of the World War veterans' act, 1924, as amended, for dependents of veterans.

The amendment was agreed to.

The next amendment was, on page 29, line 3, after the word "discretion," to insert a comma.

The PRESIDING OFFICER. The amendment will be agreed to. That completes the committee amendments.

RECEPTION OF CREW OF "SOUTHERN CROSS"

Mr. BINGHAM. Mr. President, in the Vice President's room there is the crew of the ship which made the first successful trip across the Atlantic from Europe to America, landing safely both passengers and crew and the ship itself.

It has been our custom in the past to honor those who have distinguished themselves in this new art by receiving them in the Senate. The last ship that almost made this trip successfully, bringing its pilot and passengers but not the ship itself safely to land, was the *Bremen*.

I move that the Senate take a recess for a few moments in order that the crew of the ship *Southern Cross*, which has just made this famous trip across the Atlantic, after having previously made a marvelous trip across the Pacific from San Francisco to Australia—the first ship and the only ship that has made that flight through the islands of the South Pacific—be received by the Members of the Senate.

The motion was agreed to.

Mr. BINGHAM. Before the recess is taken, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FESS in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	George	McNary	Steiwer
Ashurst	Glass	Metcalf	Stephens
Barkley	Glenn	Moses	Sullivan
Bingham	Goldsborough	Norris	Swanson
Black	Hale	Oddie	Thomas, Idaho
Blaine	Harris	Overman	Thomas, Okla.
Borah	Harrison	Patterson	Townsend
Brock	Hastings	Phipps	Trammell
Broussard	Hatfield	Pine	Tydings
Capper	Hayden	Pittman	Vandenberg
Caraway	Hebert	Ransdell	Wagner
Connally	Howell	Reed	Walcott
Copeland	Johnson	Robinson, Ind.	Walsh, Mass.
Couzens	Jones	Robsion, Ky.	Walsh, Mont.
Cutting	Kendrick	Sheppard	Watson
Dale	La Follette	Shipstead	
Deneen	McCulloch	Shortridge	
Fess	McKellar	Steck	

The PRESIDING OFFICER. Sixty-nine Senators have answered to their names. A quorum is present.

The Senator from Connecticut [Mr. BINGHAM] and the Senator from Nevada [Mr. PITTMAN] will serve as a committee

to escort the members of the crew of the *Southern Cross* into the Senate Chamber, and, under the order, the Senate will stand in recess.

The Senate being in recess, Mr. BINGHAM and Mr. PITTMAN, preceded by the Sergeant at Arms of the Senate, escorted into the Chamber, amid applause, his excellency the Hon. Sir Ronald Lindsay, ambassador extraordinary and plenipotentiary of Great Britain; Mr. J. H. Van Royen, envoy extraordiary and minister plenipotentiary of the Netherlands; Mr. Michael MacWhite, envoy extraordinary and minister plenipotentiary of the Irish Free State; Maj. Charles E. Kingsford-Smith, Mr. John S. W. Stannage, Capt. J. P. Saul, and Mr. E. Van Dyk.

The distinguished visitors stood in the area near the Secretary's desk, and Mr. BINGHAM personally presented the Members of the Senate to them, after which they retired from the Chamber, amid applause, and the Presiding Officer resumed the chair.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the bill (S. 3691) to amend an act entitled "An act relative to naturalization and citizenship of married women," approved September 22, 1922.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 215) to amend section 13 of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," as amended by the act of May 28, 1928.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 39. An act for the relief of Kate Canniff;

S. 941. An act to amend the act entitled "An act to regulate interstate transportation of black bass, and for other purposes," approved May 20, 1926; and

S. 2790. An act for the relief of D. B. Traxler.

ENROLLED BILLS PRESENTED

Mr. GILLETT (for Mr. GREENE), from the Committee on Enrolled Bills, reported that on to-day that committee presented to the President of the United States the following enrolled bills:

S. 1378. An act for the relief of Juan Anorbe, Charles C. J. Wirz, Rudolph Ponevacs, Frank Guelfi, Steadman Martin, Athanasios Metaxiotis, and Olaf Nelson;

S. 1638. An act for the relief of William Tell Oppenhimer, jr.;

S. 2189. An act for the relief of certain homestead entrymen in the State of Wyoming; and

S. 3566. An act authorizing the President to place Lieut. (Junior Grade) Christopher S. Long, Chaplain Corps, United States Navy, upon the retired list of the Navy.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. FESS in the chair) laid before the Senate messages from the President of the United States submitting nominations of officers in the Coast Guard, which were referred to the Committee on Commerce.

LAWS OF PORTO RICO, 1930

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying document, referred to the Committee on Territories and Insular Affairs:

To the Congress of the United States:

As required by section 23 of the act of Congress approved March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," I transmit herewith copies of the laws and resolutions enacted by the Twelfth Legislature of Porto Rico during its second regular session from February 10 to April 15, 1930.

HERBERT HOOVER.

THE WHITE HOUSE, *June 30, 1930.*

RELIEF OF WORLD WAR VETERANS

The Senate resumed the consideration of the bill (H. R. 13174) to amend the World War veterans' act, 1924, as amended.

Mr. REED. Mr. President, on page 23, line 14, after the word "hands," I move to insert the words "as the result of an injury received." That was an amendment which I understood to have been agreed to in the committee. Of course, its effect will be to give compensation for the loss of a limb or limbs, no matter when lost, if the injury occurred during war time.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 23, line 14, after the word "hands," it is proposed to insert the words "as the result of an injury received."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Pennsylvania.

The amendment was agreed to.

Mr. REED. Mr. President, on the same page, in line 18, I move to strike out the word "disability" and to insert the word "injury."

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Pennsylvania.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is before the Senate and is open to amendment.

Mr. LA FOLLETTE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	George	McNary	Steiwer
Ashurst	Glass	Metcalf	Stephens
Barkley	Glenn	Moses	Sullivan
Bingham	Goldsborough	Norris	Swanson
Black	Hale	Oddie	Thomas, Idaho
Blaine	Harris	Overman	Thomas, Okla.
Borah	Harrison	Patterson	Townsend
Brock	Hastings	Phipps	Trammell
Broussard	Hatfield	Pine	Tydings
Capper	Hayden	Pittman	Vandenberg
Caraway	Hebert	Ransdell	Wagner
Connally	Howell	Reed	Walcott
Copeland	Johnson	Robinson, Ind.	Walsh, Mass.
Couzens	Jones	Robsion, Ky.	Walsh, Mont.
Cutting	Kendrick	Sheppard	Watson
Dale	La Follette	Shipstead	
Deneen	McCulloch	Shortridge	
Fess	McKellar	Steck	

The PRESIDING OFFICER. Sixty-nine Senators have answered to their names. A quorum is present.

Mr. WALSH of Massachusetts. Mr. President, on behalf of the Senator from Texas [Mr. CONNALLY], I offer the amendment which I send to the desk and move its adoption. I ask that the amendment may be stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 16, line 13, it is proposed to strike out "25 per cent or more," and on the same page, line 18, to strike out "25 per cent permanent disability, $12 per month; 50 per cent permanent disability, $18 per month; 75 per cent permanent disability, $24 per month; total permanent disability, $40 per month" and in lieu thereof to insert "$10 per month for one-tenth disability; $20 per month for one-fourth disability; $35 per month for one-half disability; $50 per month for three-fourths disability; and $60 per month for total disability."

Mr. WALSH of Massachusetts. Mr. President, this is one of the most important amendments that will be offered to the pending bill, and it is probably the one amendment that will be most sharply contested. Before discussing the amendment, I wish very briefly to call attention to the reason why we are at this time considering legislation of this character, namely, legislation providing what is equivalent to a pension for World War veterans.

The proposed legislation which came to this body from the House of Representatives and which was approved by the Senate and vetoed by the President was the result of an extensive agitation in this country, as a result of the expression of a great deal of sympathy in behalf of that large class of veterans who are permanently disabled, many of whom are in hospitals, and whose families are impoverished as a consequence of the incapacity of the income producer of the family.

Various organizations of veterans and sympathizers of the veterans throughout the country began the agitation for some form and character of financial relief for those who are permanently disabled, many of whom are in hospitals, who are without any income whatever in most instances, and whose families are naturally deprived of the aid and comfort that would come to them from the veterans if they were able to earn a livelihood. The result of the agitation was an attempt to enact into legislation provisions that did not appear to be pensions but were, in fact, in the category of what are known as pensions.

The first way sought to take care of those disabled veterans was to provide that a large number of diseases, from which veterans are suffering, should be presumed to be attributed to war service. The proviso in the vetoed House bill to that effect included about 77,000 disabled veterans. By applying the presumptive theory to those diseases they were ipso facto given

service connection and the benefits of existing compensation laws were to be extended to veterans suffering from them.

Another way in which it was sought to help the disabled veterans who were unable to get any compensation because they could not show service connection was by a provision in the same House bill giving to a veteran who possessed an income of less than $1,000, and who remained in a hospital longer than 30 days, $8 per month for spending money while he remained in the hospital and a provision for the payment to his wife and one child of $30 per month while he remained in the hospital, and $6 per month for each additional child.

When that bill came to the Senate and was considered in the Finance Committee—and let it be remembered that the bill was framed on the floor of the other House, that it was not a committee bill—there were amendments made spontaneously upon the floor of the House, with a purpose and desire to remove the handicap of abject poverty from a large number of veterans who are unable to show disability due to service origin and who are doomed to death because of incurable disease. The theory behind such sympathy and such a move was that no man who served his country in time of war ought ever to be in a position where he would become an object of public charity, and that the family of such a man, if he had been honorably discharged from the service of his country in time of war, ought not to be deprived of the reasonable comforts of life. This has been the American principle behind all pension legislation.

Mr. BARKLEY. Mr. President——

Mr. WALSH of Massachusetts. I yield to the Senator from Kentucky.

Mr. BARKLEY. When the Senator says that the bill was framed on the floor of the House he is not referring to the bill now under consideration, is he?

Mr. WALSH of Massachusetts. No; I refer to the earlier bill. I am analyzing the earlier bill and explaining now why we have the disability-allowance theory before us rather than the bill which the House first passed and which the Senate subsequently passed and which was vetoed by the President. When the prior bill came before the Senate the Senator from Texas [Mr. CONNALLY] and myself took occasion to say, "This is a pension bill; you are pretending that it is not; you are not using the name 'pension,' but when you give to a veteran who has a disability that he can not connect with the service $8 a month while he is in the hospital and also give his wife and children compensation it is a pension; and when you pick out two veterans in the same hospital, both suffering from the same degree of disability, both doomed to death within the same period of time, and say to one of those veterans, 'Because your disease happens to be such and such a disease you will have $100 a month,' and say to the other veteran, 'Because your disease is not a certain disease you will get nothing,' you are doing a grave injustice."

The Senator from Texas and I pointed out further that when only certain diseases were presumed to occasion total disability and others were not, the theory advanced in the original House bill was discriminatory and inequitable. Then, we pointed out that the provision for $8 a month for a veteran and $30 a month for his wife and child was still more inequitable; that the man who could not get into a hospital would get nothing though he had exactly the same disease, and though he was in as much need of financial assistance as the veteran who would receive payment.

We also pointed out that the man suffering from a lingering disease for which no hospital treatment would be of any benefit to him and it would be best for him to be at home with his family would get nothing.

Many other illustrations could be pointed out to show the inequity of the provision under which a man who gets into a hospital would receive $8 a month and his wife and child would receive $30, while the man who stays home and says "I will fight this thing out; I will work around the farm; I am not going to the hospital; I want to be with my family and loved ones," would get nothing.

We also pointed out—and General Hines confirms the statement very strongly, and it is a very important aspect of this question in considering the background of the reasons why we are dealing with this novel and unusual piece of legislation at this period of our history following the World War—that that provision of law put a premium on going into Government hospitals; that there was an inducement for every man, no matter what his ailment was, no matter how he was injured—in a street-car accident, or from pneumonia, or who had a slight cough, or whatever his disease was—to go into the hospital and get the pension of $8 a month and the compensation for his wife and children.

I quote his words when I say that no one could estimate the tremendous burden that might be placed upon our Government in the building and maintaining of new hospitals if that provision were incorporated in the law and, as was to be expected, everybody who wanted a pension went to the hospitals so as to comply with that requirement: "Get into a hospital, and you are pensioned."

Not only that, but a non-service-connected veteran getting into a hospital could draw, if he had two or three children, $50 a month, while in a service-connected case a man who had 40 per cent disability could draw only $40, or, for 25 per cent disability, $25.

Mr. REED. Mr. President, will the Senator yield?

Mr. WALSH of Massachusetts. I yield to the Senator, gladly.

Mr. REED. Was it not even worse than that? The service man who got into a general hospital got no allowance, while he who got into a Veterans' Bureau hospital did get the allowance.

Mr. WALSH of Massachusetts. Exactly.

Mr. REED. It depended on which hospital he got into. If he got into the hospital in his own locality, he got nothing.

Mr. WALSH of Massachusetts. It certainly did. I appreciate the Senator's suggestion.

All this matter was brought to the attention of the Finance Committee by the Senator from Texas [Mr. CONNALLY] and myself; and we said, "You are right up against pensions. These are pensions." We said, "Some legislation is going through here." The House has acted. The Senate is going to give relief.

The public sympathizes with these poor veterans who are in hospitals, doomed to death, suffering, impoverished, and their families struggling to get an existence. Something has to be done for them. Now, what shall we do? Shall we proceed upon the theory of presupposing all their diseases to have been incurred in war, and pile up a great obligation on the part of our Government in giving the high compensation rates to these veterans; or shall we begin now, in view of this legislation before us, and divide all veterans into two groups: First, those veterans who are disabled and can prove legally under the law that their disease is service connected, and, if so, have all the benefits, now and in the future, of compensation provisions of law dealing with service-connected cases. Then, we said, a second group should be established, and all in this group should be on a parity. It should not be a matter of chance depending on whether the veteran gets into a hospital or not. It should not be a matter of chance depending on what his disease is. All in the group of being permanently disabled should be treated alike, on a parity; and that group, we said are the disabled veterans who can not legally prove that their disabilities were the result of war. In that class we will put all these veterans and do for them what we have done for Spanish War veterans in like status.

That was our proposal; and I think it fair to say that nearly every member of the committee thought that plan was a much more equitable one. There were some members who thought it was more expensive than the pending bill. Others thought we ought to have more study and time devoted to it. Others thought that to advance a new proposition at this late stage of the proceedings was bad policy; that the House had so nearly unanimously passed that bill that we ought to accept it. The prior House bill did give relief; it was actuated by the highest motives of interest in the disabled veterans; and many of the members of the committee said, "The proposition appears to be more equitable, and, perhaps, is fairer than the other, but it is too late." At one time the committee went so far as to vote in favor of reproposal. I think some members of the committee consulted the President, and the President's objection at all times was the expense that was involved. As to that, I shall speak in a moment.

You know what followed. We failed in the committee to have our proposition adopted. The committee reported back the House bill, modified, but retaining the presumption of disease in the cases of a large number of disabled veterans, 77,000 of them, and also the provisions for payment to dependents and to a veteran who was fortunate enough to get in the Government hospital, though he did not have service connection. The President vetoed that bill. Then the House took, in substance, the theory that we had urged before the Finance Committee with reduced rates.

The House has now passed the present bill retaining the principle but not the rates that the Senator from Texas [Mr. CONNALLY] and I stood for, and the bill is now here before us.

The main and principal item of controversy in this bill now is the question of rates. The House in dealing with this second group of veterans whose disabilities are nonservice connected have not only fixed lesser rates, which I will speak of in a moment, but they made a proviso that no one shall have the benefit of this disability allowance or pension—"disability

allowance" seems to be a more favored term than "pension" and less offensive to the ear—the House provided that no one shall have the benefits of this pension if he has paid or is able to pay an income tax. That has been stricken out of the bill by the Finance Committee.

A second proviso is in the House bill which the Senate Finance Committee has retained, and over which there was considerable controversy also. In dealing with this bill we have reached the stage where every permanently disabled veteran is given some rights in the way of financial relief. Those who can prove that their disabilities can be traced to the service have now and will in the future have all the benefits of the general compensation laws. Every other disabled veteran on showing a certificate that he is honorably discharged will, if this bill is enacted into law, have the benefits of a disability allowance or pension. So that a veteran can say to his Government: "I am disabled. What are you going to do for me?" "Have you proved service connection?" "Yes." "Here are your rights. If you can not prove service connection, you will not go without compensation. The disability allowances provided in this bill will be yours."

What does this bill require disabled veterans to prove in order to get a disability allowance, and how much will they get? The pending amendment presented by me deals with the latter proposition. The bill as passed by the House eliminated from the benefits of this disability allowance those veterans who are capable of paying an income tax, first of all; and, secondly, those veterans who contracted diseases through their own willful misconduct. The bill as it passed the House removed all the latter class of disabled veterans from any benefit, either through the compensation law or through the allowance provided for in this bill.

The existing Spanish-American pension law gives a pension to every veteran, even if his disabilities are traceable to diseases contracted through his own willful misconduct. So in that particular this bill is very materially different from the existing Spanish-American War legislation.

The latter feature of this bill we will deal with in the form of another amendment. The amendment now pending deals solely and alone with the rates to be paid a permanently disabled veteran who is not able to show that his disabilities were connected with war service.

The rates named in the bill as it passed the House and as approved by the Finance Committee are as follows: No veteran with a disability of less than 25 per cent will get any benefit under the bill pending before us. The minimum disability must be 25 per cent. If a 25 per cent disability is shown, the veteran will be given $12 per month under the pending bill.

If a 50 per cent disability is proven, the veteran will receive $18 a month.

If a 75 per cent disability is established, he will receive $24 a month.

If 100 per cent disability, or total disability, is established, the veteran will be paid $40 a month.

Thus the rates in the pending bill vary from $12 for a 25 per cent disability, to $40 for 100 per cent disability.

I have purposely traced the earlier history of this bill so as to emphasize these rates. Mark you, in the first House bill, which was approved by the Senate, the veterans with the 100 per cent disability had in their hands $100, not $40; the men with 50 per cent disability had $50 within their reach, not $24; and those with 25 per cent disability had $25, and not $12.

I ought to say that heartily cooperating with the Senator from Texas [Mr. CONNALLY] and myself in this proposal were the two Senators on my left, the Senator from Kentucky [Mr. BARKLEY] and the Senator from Olkahoma [Mr. THOMAS].

Mr. President, I say, regretfully, that this bill will never be a popular measure with the veterans of this country, because, in comparison with the measure which passed the House and the Senate overwhelmingly, under which the veteran was to be given exceedingly high rates, what he will receive has been reduced to the small, insignificant sums included in this measure. That was one of the reasons which actuated the Senator from Texas and myself to adhere to the Spanish War rates, because they make the drop from the rates, which, as I have said, the veterans had in their hands, so far as the Congress could act, not nearly so extreme.

The rates proposed in our amendment are as follows:

For complete disability, $60, the present Spanish War rate, as against $40 in the pending bill.

For a 75 per cent disability, $50, the present Spanish War rate, as against $24, in the pending bill.

For a 50 per cent disability, $35, the present Spanish War rate, as against $18 in the pending bill.

For a 25 per cent disability, $20, as against $12 in the pending bill.

The Senator from Texas and myself discovered some very helpful information when we had before us a representative of the Pension Bureau, who has had vast experience in dealing with Spanish War pension cases where the proof of disability, and where the degrees of disability, and where the administration of the law are similar to what will be required in the administration of the pending bill.

The experience of the chief of the finance division of the Pension Bureau has shown that it has been cheaper for the Government, as he stated, to begin with a disability of 10 per cent rather than than one of 25 per cent. That rather surprised us. I think I am justified in saying he rather urged us to commence with a 10 per cent disability. He said his experience had shown that when a veteran permanently disabled went before a medical examining board there was naturally and properly a good deal of sympathy manifested and a disposition to give him something, and there was nothing less to be given him than a 25 per cent disability.

He said that a good many of the veterans, if a provision for a 10 per cent disability were included in this measure, would feel that they would get some slight benefit to help them in their struggle for existence in the face of their disability, and would be more or less satisfied with the 10 per cent disability, and that we would not have nearly as many cases urging and clamoring for the finding of 25 per cent disability. He actually testified before us that it would cost the Government less to graduate these rates commencing with 10 per cent disability and running up to a hundred per cent disability, than to graduate them with a minimum of 25 per cent to a maximum of 100 per cent. That is why the Senator from Texas and I changed our views and provided in this amendment for a 10 per cent minimum disability, to entitle the veteran to $10.

Why did we make 10 per cent disability $10? Because that is the same amount of money which a veteran who shows service connection with 10 per cent disability gets, and therefore we did not feel that one entitled to a pension was entitled to receive more than the veteran who could show service connection. In fact, we reduced the rate which the Spanish-American War veteran gets for 25 per cent disability from $25 to $20 for the reason that a 25 per cent disability, when service connected, receives $25. Had we made the pension $25, the World War veteran who could not show service connection would get exactly the same money as the one with 25 per cent disability who could show service connection.

All of the rates—$60, $50, $35, and $20—are the same, with the exception of the $20 rate, as the Spanish-American War rates, and all of them are lower than a veteran would obtain if he was able to prove service connection and receive the benefits of the general compensation law.

Mr. President, it goes without saying, of course, that our plan is the more expensive of the two. It would be folly for me to attempt to convince anyone that the Government would save more money by adopting our amendment than it would by retaining the House rates. But as against that fact we present the suggestion that our amendment settles this veteran-relief question for 10 years at least. It means an end of agitation for further veterans' relief. Compensation laws are provided for those who prove service connection, and the identical rates of the Spanish-American War veterans are provided for World War disabled veterans 12 years after the war.

We sincerely believe that the amendment will end for 10 years all agitation along the line of veterans' relief. We sincerely believe that if the amendment contained in the bill is ever enacted into law, the ink will not be dry upon the signature of the President before there is general agitation to give disabled veterans the rates named in the present Spanish-American War veterans' act. We all know that these organizations and the friends of the disabled veterans will not be content with $12 a month for a veteran with 25 per cent disability, nor will they be content with $18 a month for a veteran with 50 per cent disability.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Kentucky?

Mr. WALSH of Massachusetts. I yield.

Mr. BARKLEY. Since the present compensation laws have been in effect there have been 573,511 veterans who have been allowed compensation under them. There have been 572,012 applications disallowed. These 572,000 cases disallowed were disallowed because the veterans could not connect their disability with the service, or because, if connected, their disability was less than 10 per cent and therefore they did not come within the provisions of the law.

We all know how anxious the soldiers were to get out of the Army when the war ended, and how anxious they were to come home. Many of them did not stop to consider whether they

would ever make application for compensation of any kind. The first consideration with them was to get out and get back to the United States, or, if they were in the United States, to get back to their families. Feeling that anxiety it may be true that many thousands of them, either in haste or in order not to complicate their discharge, failed to reveal fully their physical condition when they were examined for final discharge, fearing that if anything was found wrong with them or if they revealed anything wrong with them they might be held in the Army until the difficulty had been removed. It seems reasonable that a large number of the 572,000 cases who were rejected might have been able, if proper precautions had been taken at the time, to comply with the legal technicalities of connecting their disabilities with the service.

Has the Senator any information as to what proportion of the disallowed claims date back over a period of seven or eight years, or even as far back as the beginning of the compensation laws themselves?

Mr. WALSH of Massachusetts. I can not inform the Senator as to that, but I believe there have been claims slightly under a million in number filed by veterans of the World War with the bureau. Some of the figures I have here disclose that the department rather anticipates that there may be some 741,000 veterans who will receive the benefits of this pension plan within five years. I understand about 15 per cent of the World War veterans are now receiving compensation under existing law. This load will reduce the pension burden.

Mr. BARKLEY. What I want to emphasize is what the Senator mentioned a moment ago. If it be true that a large proportion of the disallowed cases were disallowed because of some technicality that prevented the soldier from establishing service connection, but at the same time he is suffering from the same disability and to the same extent as some other soldier who can connect it with the service, is not that an additional argument at least in making a reasonable approach to compensation which is paid to the former?

Mr. WALSH of Massachusetts. I think that is a strong argument. Let me supplement what the Senator said by asking him a question. Does he not think if these rates are adopted as proposed in the pending amendment we will be less likely to have occasion upon the part of many veterans to insist upon service connection and therefore that the heavy burdens of costs will be lessened to the Government?

Mr. BARKLEY. I think that is very likely. In other words, if the veteran with total disability under the amendment offered should get $60, it might reasonably increase whatever income, if any, he might have from other sources, or it might reasonably enable him more comfortably to support himself and family, and there would be less likelihood of him putting forth strenuous efforts otherwise necessary to put forth to establish service connection.

Mr. PITTMAN. Mr. President, will the Senator from Massachusetts yield?

Mr. WALSH of Massachusetts. Certainly.

Mr. PITTMAN. The Senator from Massachusetts has stated that in his opinion the disabled veterans would not be satisfied with the rates contained in the bill. I think that is evident from their attitude toward past legislation. As I understand it, under the compensation act with the disability connection with service, in a case of total disability there is compensation of $100.

Mr. WALSH of Massachusetts. Exactly.

Mr. PITTMAN. Was that considered any more than sufficient to comfortably support the veteran?

Mr. WALSH of Massachusetts. It was not.

Mr. PITTMAN. Does not the Senator believe and is it not his opinion that the complaint of the veterans is entirely justified in the case of an allowance of only $40 a month for total disability?

Mr. WALSH of Massachusetts. I certainly think that agitation will commence immediately to increase the rates and that in the very next session of Congress they will be increased to the basis of the Spanish-American War veteran rates if we do not do it now.

Mr. PITTMAN. Does the Senator believe such agitation to be justified?

Mr. WALSH of Massachusetts. I certainly do. I am convinced veterans will not be satisfied with the rates offered and that their sympathizers will not be satisfied with them.

Mr. PITTMAN. I agree with the Senator. In the case of an allowance of $24 a month for 75 per cent disability, in these times when companies having a large number of employees will not employ a man just because he is over 40 or 45 years of age, which certainly does not amount to 75 per cent disability on account of age alone, how could a man live on $24 a month with 75 per cent disability, which practically prevents him from obtaining employment?

Mr. WALSH of Massachusetts. It would be impossible.

Mr. PITTMAN. Does the Senator feel that way about it?

Mr. WALSH of Massachusetts. I certainly do. I thank the Senator for his helpful suggestions.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Kentucky?

Mr. WALSH of Massachusetts. I yield.

Mr. BARKLEY. Do we not all know that a man who depends on manual labor for the support of himself and family might as well be totally disabled as to be 75 per cent disabled in the performance of manual labor?

Mr. WALSH of Massachusetts. There is no doubt about it. I am in full accord with the Senator and appreciate his emphasizing the fact that the rates are so low that they will not give satisfaction and will not meet with approval. Unfortunately, though, the bill is establishing, it seems to me, the principle of placing the veterans on a parity, yet the rates are so low that there will be many veterans who will wish they had instead the veterans' bill which was vetoed by the President. It will create some unrest on the part of many veterans who would prefer that bill if the low rates contained in this bill are approved. I believe that if the rates in the Spanish-American War veterans' act were now incorporated in this bill it would do much to create a wholesome feeling of content among all World War veterans and would end future relief agitation. Veterans would feel that the country had been generous to them, that all veterans were taken care of generously, either through the compensation laws or through the rates given in the Spanish-American War veterans' act.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from New York?

Mr. WALSH of Massachusetts. I yield.

Mr. COPELAND. I want to commend the Senator from Massachusetts for what he is saying and the effort he is making to get more generous compensation for the veterans. The memory of man is all too short. I recall when these boys went across the water that we cheered them and promised them we would give them anything they wanted upon their return. But now the war is ended, and it seems strange that we should have forgotten all those promises. I hope the Senator will insist upon this more generous treatment. I know he is going to have the votes to give them the more generous treatment. Certainly in justice to them we ought to grant it.

Mr. WALSH of Massachusetts. I appreciate what the Senator has said.

Mr. President, let me say a word now about the cost.

Mr. BLAINE. Mr. President, before the Senator leaves that point will he yield?

Mr. WALSH of Massachusetts. Certainly.

Mr. BLAINE. The Senator, of course, understands that most of the States of the Union have what we call workmen's compensation acts. Industry will not employ men who have any disability to any great extent for the reason that that disability in all probability would result in serious accidents in industry, and therefore subject industry to liability for compensation. The soldier who has 25 or 50 per cent disability is practically without any opportunity for employment. If we have the rate as low as proposed in the bill now before us, we are simply taking up a small collection from the taxpayers of the United States and handing it to the soldier as a dole. Is not that practically the proposition presented by the bill as reported by the committee?

Mr. WALSH of Massachusetts. I think the Senator from Wisconsin has stated the sentiment of a great many people in reference to the rates contained in the House bill. I share the feeling the Senator has indicated, namely, that the rates are insufficient.

Mr. President, just a brief word about cost and then I am going to conclude in order that the Senator from Texas [Mr. CONNALLY] may discuss other features of the amendment which I have omitted and may also discuss in detail the item of cost.

General Hines estimates that this bill as it passed the House would cost the country $31,000,000. The amendment now under consideration, namely, the amendment providing for disability allowances, will cost about $25,000,000. About $6,000,000 will be required to meet the other obligations which are thrust upon the Government by reason of other changes in the compensation laws and some changes in the administration features of the law.

That is, of course, the expense to the Government for the first year. All agree that the expense to the Government will in-

crease each year as the number of pensioners increases, and the increase will be, of course, somewhat rapid. The expense for the first year of the amendment proposed by myself and the Senator from Texas [Mr. CONNALLY] General Hines estimates will be $49,157,000; the second year the cost will be $107,500,000; and the third year it will be $133,400,000.

The number of veterans who will receive this disability allowance, instead of the approximately 77,000 who would have received benefits under the vetoed bill, are under the pending amendment 304,201 the first year, 563,885 the second year, and 638,080 the third year; in other words, in the three years the number of veterans who will get the benefit of this proposal will increase from 304,201 to 638,080. These estimates were made upon the assumption the minimum disability rate would be 25 per cent.

Mr. REED. Mr. President, will the Senator permit an inquiry?

Mr. WALSH of Massachusetts. Certainly.

Mr. REED. Were not these figures made up by the Veterans' Bureau on the basis of a minimum of 25 per cent? I have the impression that that is what they had in mind when that table was made.

Mr. WALSH of Massachusetts. I have not read from the table as originally made for me; I have read from the table as originally made plus some figures which I inserted in the table when General Hines testified before the committee; and I have here this memorandum:

These figures are based, I believe, upon a minimum disability basis of 25 per cent, as the Senator suggests.

Mr. REED. I have just been given an estimate based on the amendment as the Senator has introduced it, and that shows the average monthly payment per veteran would be $20.

Mr. WALSH of Massachusetts. How much is the total?

Mr. REED. The total for the first year is $52,000,000—I leave out the odd figures.

Mr. WALSH of Massachusetts. Against $49,000,000, according to the estimate I have?

Mr. REED. As against $49,000,000. For the second year it will be $113,000,000.

Mr. WALSH of Massachusetts. As against $107,000,000?

Mr. REED. And for the third year it would be $141,000,000.

Mr. WALSH of Massachusetts. I think the Senator will agree with me that there has been a great variety of figures presented. Almost every time we have asked for estimates we have gotten different figures.

Mr. REED. I have not very much confidence in any of them, because of the fact that they are inconsistent, but they are all made in sincerity. I think the bureau is trying to give us the best information it can furnish.

Mr. WALSH of Massachusetts. I think that is true. It has been very difficult to make correct or definite estimates.

Mr. NORRIS. Mr. President, of course in this discussion I realize the character of these figures. They are, in my judgment, not much more than guesses; but those who furnish them have better opportunity to guess than we have, because they have some statistics upon which to base their figures. I have no doubt but that they have given them to us in the best of faith; but I am anxious to know whether the estimate the Senator from Pennsylvania has just given is based on the rate schedule included in the bill or in the proposed amendment?

Mr. REED. It is based on the schedule in the proposed amendment. I also have the figures for the bill as it stands.

Mr. NORRIS. So that these figures are not based upon the elimination of the 10 per cent disability factor?

Mr. REED. No; they are based on the amendment exactly as it has been proposed by the Senator from Massachusetts.

Mr. NORRIS. I should like to ask another question. Has either one of the Senators or any other Senator on the committee any information to show how much of the increase, if there shall be an increase at all, will come about on account of the provision in the amendment for the payment for 10 per cent disability as compared with an initial payment for a 25 per cent disability only?

Mr. REED. Yes.

Mr. NORRIS. In other words, how does that one schedule affect the result?

Mr. WALSH of Massachusetts. Doctor Randall, of the Veterans' Bureau, says it will lessen the amount. It was because of that evidence that we changed our amendment as originally framed, so as to include disabilities down to 10 per cent.

Mr. NORRIS. Does the Senator from Pennsylvania agree to that?

Mr. WALSH of Massachusetts. I do not think the Senator from Pennsylvania was in the room when he gave this testimony. Of course, he has read it. Doctor Randall gave many illustrations of Spanish-American War veterans who are disabled, and who, in his judgment, would have gotten 25 per cent disability had that been the minimum, but were content with 10 per cent, and went away and were never heard of afterwards, seemingly satisfied with a rating of 10 per cent disability.

Mr. REED. Undoubtedly there will be some cases of sympathy on the part of the examining doctors which will lead them to rate a man at the minimum, whatever that may be, if necessary, in order to get him upon the pension rolls; undoubtedly that is so; but rather than interrupt the Senator, perhaps, I had better give my impression of the cost when he shall have concluded.

Mr. WALSH of Massachusetts. Mr. President, I want to give the Senator from Nebraska some other statistics about the cost. There is a sharp difference of opinion.

Mr. LA FOLLETTE. Will the Senator permit me to read from Doctor Randall's testimony?

Mr. WALSH of Massachusetts. I was just about to call attention to it. Doctor Randall, who is chief of finance of the Bureau of Pensions and has been in that bureau for nearly 50 years, gave us some testimony as to what the estimated cost to the Government of our amendment would be in view of his experience with the same rates in the case of the Spanish-American War veterans. He estimated the cost of our proposal of rates at $20,000,000 a year as against General Hines's estimate of $49,000,000. He based his estimate on the percentage of Spanish-American War veterans who applied for the disability pension the first year it was enacted, 22 years after the war.

Taking that percentage and applying it to the World War veterans, he estimated that about 100,000 World War veterans will receive pensions and that the average pension per veteran will be $20 per month. That was the average pension given in the beginning to all the Spanish-American War veterans.

Mr. ROBSION of Kentucky. Mr. President, will the Senator yield?

Mr. WALSH of Massachusetts. I yield.

Mr. ROBSION of Kentucky. Did I understand the Senator to say that Doctor Randall——

Mr. WALSH of Massachusetts. He said the average amount paid to the Spanish-American War veterans at the outset was about $20. I have forgotten for the moment what the amount now is, but the Senator from Texas can state what it is, I think.

Mr. ROBSION of Kentucky. After five years the average was one-fourth and now, at the end of 10 years, he says the average is 50 per cent.

Mr. WALSH of Massachusetts. What is the average payment paid to the Spanish-American War veterans under the pension plan?

Mr. GEORGE. I will be glad to give the figures.

Mr. WALSH of Massachusetts. The Senator from Kentucky is challenging my statement.

Mr. ROBSION of Kentucky. The first Spanish-American War pension bill was passed on June 5, 1920. That bill provided rates running from $12 to $30 per month. So the average could not be $20.

Mr. WALSH of Massachusetts. The Senator was in the room and heard the testimony. Does the Senator now say that Doctor Randell did not estimate the expense of the Government the first year to be $20,000,000? Does the Senator challenge that statement?

Mr. ROBSION of Kentucky. No; I do not challenge that statement.

Mr. WALSH of Massachusetts. That is all.

Mr. ROBSION of Kentucky. He further stated that under the bill which I introduced, and the companion bill of Mr. SWICK in the House, in which the rates run from $10 to $50, the first year's expense would be $18,000,000.

Mr. WALSH of Massachusetts. That tends to confirm his judgment as to the cost of this amendment.

Mr. GEORGE. Mr. President, the Spanish-American veterans' pension bill of 1920, which was the first bill applicable to those veterans, brought upon the rolls 116,270 soldiers, and the average amount paid to each was $17 a month. The monthly payments under that bill ranged from $12 to $30. The number given represents the number at the expiration of that act, and the average of $17 per month represents the amount paid to all the Spanish-American War veterans up to the date of the expiration of that act.

Under the Spanish-American War veterans' pension act of 1926, which fixed the rate at from $20 to $50 per month, according to the degree of incapacity, there were 184,637 soldiers placed upon the roll—that represents the number at the date of the expiration of that act—and the average sum paid to those veterans was $32.28 a month. Under the original act the

average rating was about one-fourth disability and under the 1926 the average rating is about one-half disability.

Mr. ROBSION of Kentucky. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Kentucky?

Mr. WALSH of Massachusetts. I am pleased to yield to the Senator from Kentucky.

Mr. ROBSION of Kentucky. I think it should be pointed out that the one-fourth disability, on the average, was at the end of the five years under the act of June 5, 1920, and the average per month was $17 at the end, or, in other words, the last year of the 5-year period, and then one-half disability was estimated as of May 31, 1930, 10 years after the passage of that act.

Mr. WALSH of Massachusetts. Mr. President, I do not think that it is material what the average payment was to the Spanish-American War veterans who received pensions five years after the act was passed or what it is now. It might be considered in connection with how sound Doctor Randall's final judgment is as to the annual cost of this particular pension proposal. He says it is $20,000,000 a year; General Hines say it is $49,000,000 a year; but one thing is certain, namely, that the cost will be more than the provisions of the House bill—considerably more. I am not going to dispute that, and we have got to determine whether we can sustain that burden, having in mind the welfare of the veterans, having in mind satisfying them, if it is possible to do so, in view of their disabilities, the present high cost of living, and the purpose to find a final solution of this problem, if possible. All those things are factors to be considered in connection with the expense. I think it is only fair to say, however—and I think the Senator from Texas [Mr. CONNALLY] will bear me out in the statement, as will many other Senators who heard the testimony—that this bill, with the rates provided by the pending amendment, will in the long run cost the Government a good deal less than the bill that went triumphantly through the House and Senate and was vetoed by the President.

It certainly will put our veteran legislation upon a sound basis. We shall be finally facing in the right direction. We shall have a theory and a principle of doing equal justice to all disabled veterans, which will be very helpful to us in solving future relief problems that may come before us. The proposal not only establishes a parity between all disabled veterans but provides a fairly satisfactory pension.

The best thing about this bill is that it puts all veterans on a parity. "Are you disabled?" "Yes." "Can you prove that you incurred your disability in the service?" "No." "No matter what your disease is, no matter what you are suffering from, you have equal rights with every other veteran to receive a like pension after having determined the degree of your disability."

Mr. ROBSION of Kentucky. Mr. President, will the Senator yield in order that I may make an inquiry for information?

Mr. WALSH of Massachusetts. I yield.

Mr. ROBSION of Kentucky. At what number of dollars per month does the Senator's amendment begin?

Mr. WALSH of Massachusetts. Ten dollars for 10 per cent disability; $20 for 25 per cent disability; $35 for 50 per cent disability; $50 for 75 per cent disability.

Mr. ROBSION of Kentucky. How much does a veteran of the World War get who has 10 per cent service-connected disability, and who has a family?

Mr. WALSH of Massachusetts. Ten dollars, the same as in this bill. I am sure the Senator would not want us to offer any veteran, if we are giving him anything at all, less than $10.

Mr. President, I do not care to prolong the discussion. I have taken more time than I intended, due to the interruptions. I shall yield the floor now; and I know that the Senator from Texas [Mr. CONNALLY] will be very glad to amplify what I have said, and put the case in favor of the amendment even better than I have. I submit our amendment to the Senate with the expectation its fairness will appeal to all and result in a favorable decision.

Mr. CONNALLY obtained the floor.

Mr. JOHNSON. Mr. President, will the Senator yield for a call of a quorum?

Mr. CONNALLY. No; I thank the Senator from California. If absent Senators are not interested in this matter, I have no disposition to enforce their involuntary attendance.

Mr. President, the Senator from Massachusetts [Mr. WALSH] has very clearly set out the attitude of those of us who favor the pending amendment; but we are confronted to-day with a rather unusual circumstance. We are considering now in the Senate a bill that was passed by the House a few days ago without ever having been read in the House, except by title, I suppose; a bill that was never referred to a committee in the House; a bill which members of the Committee on World War Veterans' Legislation had never had time to read; a bill that was passed through the House with only 40 minutes' debate, 20 minutes on either side, and passed by the House within an hour after it was introduced. Those unusual circumstances are my warrant for taking up a few minutes of the Senate's time in discussing the present measure.

So far as the principles of the legislation are concerned, there is substantially no difference between the amendment offered by the Senator from Massachusetts and myself and the bill as it passed the House of Representatives. This amendment of ours was offered in the Finance Committee some two or three weeks ago. It was adopted tentatively by the Finance Committee by a vote. The ranking members of the Finance Committee consulted the White House and came back the following day and said, "No; away with that system! We can not stand for that principle. We do not believe in it. We will not approve it." Then, when finally the bill came out of the Finance Committee without our amendment as a part of it, suddenly the Senator from Pennsylvania [Mr. REED] rushed in hurriedly, like a messenger in hot haste, and introduced his amendment here in substantially the same form that it is now in; and what did the Senate do? The Senate voted down the amendment of the Senator from Pennsylvania without a roll call. There was not enough sentiment in this Chamber then to get a roll call on the amendment of the Senator from Pennsylvania, which is now the essence of this bill.

The Senate, when it voted on the passage of the other bill, had the President's veto message in advance before it. It had been given to the press. And the Senate, by a vote of 66 to 6, rejected the reasons urged by the President and voted for the other bill. After the veto, we now have this bill.

It is now simply a question of dollars and cents. There is no argument about the principle. The administration and the leaders are sponsoring the proposition of a pension system for non-service-connected disabilities.

I do not favor now, nor have I ever favored, a service pension, meaning by that a pension that grants gratuities to soldiers simply because they were in the Army. I do believe, however, in a disability pension. When, shortly after the World War, the cash bonus was pending in Congress, I voted against the cash bonus on two occasions. I voted against the cash bonus each time it was presented to Congress. Why? Because I did not believe that we could compensate a man in dollars and cents for his military service. I knew that as the years came along the veterans would become disabled. I knew that then they would, in justice, be knocking at the doors of Congress and asking for disability allowances; and I preferred not to give them cash, which might in some cases be squandered unwisely, but that the Government should wait until their time of need through disability, and then give them a disability allowance. That time seems to have arrived.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield to the Senator from New York.

Mr. COPELAND. I am sure that when the Senator voted against the cash bonus, he did it for the reasons he has stated; but, so far as the administration is concerned, it fought it because "We can not give a cash bonus and reduce the taxes." That was the argument that was used. They talked about the deficit, how much the deficit would be, and the Secretary of the Treasury guessed at the deficit year after year, usually $500,000,000 outside of what it actually was. He never had it within $500,000,000; but always the cash bonus was defeated because "We can not reduce taxes and at the same time give a bonus to the soldiers." That was not the attitude of the Senator from Texas.

Mr. CONNALLY. I will say to the Senator from New York that I recall all of those arguments. I recall that Mr. Mellon then, as now, whenever soldier legislation was pending, hurried off into his statistical room and emerged with a prediction that if it were enacted the Budget would be torn wide open, and all of the financial program of the President would be wrecked.

Mr. BARKLEY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Kentucky?

Mr. CONNALLY. I yield to the Senator.

Mr. BARKLEY. The Senator will recall that after we had reduced the taxes for 1930 by $160,000,000, we were constantly warned that there would be a deficit in the Treasury beginning with the fiscal year 1931. That fiscal year begins to-morrow. I have here the morning Post of June 30, which announces on the first page that to-morrow the surplus in the Treasury will be $200,000,000, in spite of these dire predictions of the Secretary of the Treasury.

Mr. CONNALLY. I thank the Senator for his suggestion. I hold in my hand now the clipping from the morning paper which states that the surplus is $200,000,000, contrary to the

doleful predictions of Mr. Mellon made a few days ago with reference to the soldier legislation.

Let me take just a moment, however, to refer to what was suggested by the Senator from New York.

I was simply stating my own attitude with reference to the cash bonus. I believed then, as we find now to be the case, that as time went on many of these soldiers would be disabled; they would be in want; and I did not believe that this Government, if it were grateful, would decline to give them disability allowances. I voted for the present insurance bonus on the theory that it would not mature until some 15 or 20 years after their service, and would take the place, in a measure at least, of disability allowances. I did not vote for the bonus, for one reason, because I believed that the man who went into the war and came out unharmed and unscarred is already, by his conduct, a member of that fine aristocracy of those who wore the uniform of their country in time of war; but in the case of the poor fellow who, regardless of whether his disability was incurred in the war or not, is now disabled, I believed that a great and good Government ought to see that he is properly cared for.

What is the argument against this amendment? No argument at all as to principle; only the argument of dollars and cents. How much will it cost?

Mr. President, when we had before us some days ago a public buildings bill carrying something like $243,000,000, we did not have any estimates from the Treasury that if we passed that bill it would disrupt the Government and create a deficit. All right.

We passed a few days ago a river and harbor bill carrying $123,000,000, and did not hear Mr. Mellon rushing forth and telling us that we could not pass the river and harbor bill because it would create a deficit.

I saw in the testimony before the Committee on Naval Affairs in the House the other day that they have pending a bill to spend $30,000,000 in renovating three battleships—not building them, but renovating them—$30,000,000! That alone will cost more than the amendment which is proposed by the Senator from Massachusetts and myself; but I heard no voice of Mr. Mellon rushing forth and saying that we could not renovate these three ships because it would create a deficit.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield to the Senator.

Mr. COPELAND. I notice that Mr. Mellon seemed to be much agitated yesterday, or day before, because he found a surplus of $200,000,000 in the Treasury; and for fear somebody would say, "Now we can pay a pension, or do some other generous thing," he passes out a solemn warning, "But we are going to have a deficit next year."

Mr. CONNALLY. Oh, yes!

Mr. COPELAND. We must never do anything that is constructive as regards the veterans, or some other important governmental work, for fear there may be a deficit next year, or the year after, or 10 years from now; but all the time when these warnings have gone out there has been a surplus in the Treasury of from $200,000,000 to $500,000,000, or up toward a billion dollars, but always the fear is expressed that if we pass a generous pension bill for the veterans there may be a deficit.

Mr. CONNALLY. I thank the Senator from New York for his frank expression of his opinion of the Secretary of the Treasury.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. McKELLAR. The Senator may get to this matter a little later, but up to date he has omitted another expenditure recommended by the Secretary of the Treasury. It will be remembered that just a few months ago the Secretary of the Treasury recommended that an appropriation of $150,000,000 be made to return taxes paid 12 years ago to war profiteers, men who profiteered every moment of the time while these soldiers were over in France fighting for their country; and Mr. Mellon recommended that, and had plenty of money to pay it.

Mr. CONNALLY. I thank the Senator. I hold in my hand the act providing for the return of such taxes. Of course, I will say to the Senator from Tennessee, if those taxes are honestly and justly due to the taxpayer who overpaid them, I for one am in favor of handing them back; but it does seem to me rather peculiar that the Secretary of the Treasury should never find an appropriation proposed by Congress that would run the Government into a deficit until it comes to the very last item on the legislative calendar, and that is usually something that has to do with the relief of soldiers.

Mr. President, we are spending something like $848,000,000 each year on the Army and Navy. To do what? To fight? No; not to fight. We are spending that $848,000,000 on a peace-time Army and Navy simply in order to be ready to fight if the necessity arises. I believe our obligations to maintain those who have already fought our battles are just as solemn and just as serious as those of maintaining a tremendous fighting establishment and spending $848,000,000 a year to maintain it.

I hold in my hand a newspaper report to the effect that $14,000,000 is added to the United States revenues by the new tariff in one month, the present month. Of course, that is Treasury propaganda. The Treasury Department wants the country to believe that the new tariff is going to bring in tremendous revenues. That $14,000,000 that was added to the income through the tariff in the month of June will pay for the amendment being offered by the Senator from Massachusetts and myself.

Recently we passed a tariff bill laying upon the backs of the American people some hundreds of millions of dollars each year in added taxes. Nobody heard the Secretary of the Treasury rushing forth with an estimate showing that the country could not stand that tax. Nobody heard the Budget Bureau rush in in behalf of the American people and ask us to stay our hand when we put that burden on the taxpayers of the United States. We heard no inkling from the White House when some of us were struggling here to keep down the rates in the tariff bill that the country could not stand it. But the President signed the tariff bill before it got to his office. He signed it in advance, just as he vetoed the veterans' bill in advance when we passed it the other day.

Mr. President, it is a simple question of dollars and cents, How much is this bill going to cost?

I hold in my hand a copy of the report of the hearings before the Committee on Finance. General Hines testified that the bill as it passed the House, as it was before us, would cost $31,000,000. We asked him how much the Walsh-Connally amendment would cost. He said that with that amendment on the bill the bill would cost $49,000,000. But he further testified that he was estimating on a 50 per cent disability. He was assuming that the average disability under the pension rates would be 50 per cent.

The average rate now of compensated cases in the Veterans' Bureau is only 42 per cent. The officials of the Pension Office testified, as I recall it, that five years after the Spanish-American pension act actually became a law the average disability was only 25 per cent. Yet General Hines makes his estimate on the theory that with this act we are going to begin at a 50 per cent average, notwithstanding the fact that more than 100,000 veterans are already cared for under the compensation provision of the law and will not, of course, come under the disability allowances.

What does the Pension Office testify? We have the testimony of Mr. Randall, who has been in the Pension Office 40 years. He said that on an estimate of 100,000 pensions being added to the roll the first year, and with a 25 per cent average disability, the bill would cost something like $24,000,000 to $30,000,000. That, with the $6,000,000 added which the other provisions carry, would make this bill cost, as I remember it, under $40,000,000, even with the Walsh-Connally amendment.

The amendment which we propose provides for a minimum disability of 10 per cent. Mr. Randall testified that that sort of a rate as a minimum would result in a substantial saving, because, he said, there are a great many cases which were disabled probably under 25 per cent, in the view of the doctors, and if they did not have a 10 per cent rating, they would be placed in the 25 per cent degree of rating, but that with the provision for a 10 per cent rating they could be accommodated.

He testified that at the present time out of 185,000 men on the Spanish-American War roll, 37,000 of them are on the roll for a one-tenth disability—37,000 out of 185,000.

That rating will have a tendency to pull down the average cost per man. The $60 disability provision will also enable the Veterans' Bureau in marginal cases, where there is no doubt of a veteran's disability, and yet there is some doubt as to it being service connected, when he can not connect the disability with the service, to put him in the $60 class and give him an allowance which probably will be adequate to his necessities without having to reject him wholly without compensation, or compensate him at $100 per month.

As suggested a little while ago by the Senator from Kentucky, it is remarkable that the Secretary of the Treasury, with his far-seeing vision, should not have anticipated some of these needs of the Government when he was recommending that we hand back $160,000,000 to taxpayers who had already collected those taxes from the public. Under the law referred to we gave back to corporations and other income-tax payers $160,000,000 of unearned return. They had not earned them. There was no complaint then that that would cause a deficit. The Budget Bureau did not get excited about it. The administration showed

no alarm. But in order to go before the country with a political plea that taxes had been reduced, we cut off from the public revenues $160,000,000.

How do these rates compare with other pension legislation? About two weeks ago Congress passed the Civil War pension bill, approved June 9, 1930, Public Document No. 323, H. R. 12013. It provides as follows:

> That every person who served 90 days or more in the Army, Navy, or Marine Corps of the United States during the Civil War, and who has been honorably discharged from all contracts of service, or who, having so served less than 90 days was discharged for a disability incurred in the service and in the line of duty, or is now on the pension roll as a Civil War veteran under existing service pension laws, shall be entitled to and shall be a paid a pension at the rate of $75 per month.

That law was enacted by Congress, providing that every Civil War pensioner now on the roll, whether he be disabled or whether he be not, whether he got his wounds in service or got them in a railroad accident, should draw $75 a month. Did the President veto that bill? The President approved that measure on June 9, 1930.

Mr. President, if a Civil War veteran needs $75 a month, how is it that a World War veteran, who has a family, perhaps, a wife and children, a younger man, it is true, but still with larger responsibilities, perhaps, can get along on $40 a month? The Civil War veteran, perhaps, has already raised his family, his children are grown, and probably are contributing to his support. It takes very little to keep him compared with a younger man with a wife and with children.

Senators, is there any justice in this discrimination, $75 a month for a Civil War veteran, $40 a month for a World War veteran; $75 for a Civil War veteran regardless of whether he is disabled or not, $40 a month for a World War veteran, and in order to get it he must be totally disabled? The same facts existed when the President approved that bill on the 9th of this month which exist now. The same reasons as to why there would be a deficit existed then that exist now.

The Civil War pension law provides, even in the case where an old veteran may have been inveigled into a marriage at any time prior to June 27, 1905, that his widow shall receive a pension at the rate of $40 a month, no matter how many times she has since remarried, provided she is not at the present time married. It gives to a widow who married a Civil War veteran 40 years after the war was over as much as is proposed to be given to a totally disabled veteran of the World War with a family on his hands.

Mr. President, a World War veteran who is genuinely disabled—and that is the only kind this provision cares for—must satisfy the Veterans' Bureau that he is permanently disabled. I submit that a man who is 25 per cent disabled and who draws only $12 a month under the bill as it passed the House will not be able to stand competition for a job with men in full possession of their faculties.

There is much unemployment in the land. We know that in modern industry competition is severe, and the man who is 25 per cent disabled can not compete for a job with a man who is not disabled. Yet, for that handicap, for a handicap which may mean that the veteran can not get a job at all, he may be just sufficiently handicapped as not to be able to secure a position that will bring him in substantial revenue—for that handicap the bill as it passed the House provided the munificent sum of $12 a month.

The assistant to the Commissioner of Pensions testified that the average disability in the case of Spanish-American War veterans was 25 per cent. Under our amendment a 25 per cent disability would pay only $20, $8 a month more than would be paid under the bill as it passed the House.

With a hundred thousand men—and that is what they said they estimated—it would amount to something like $10,000,000 that the Walsh amendment would cost over and above the amount provided in the bill as it passed the House; to be exact, $9,600,000.

Mr. President, I do not believe there is any man living, Secretary of the Treasury or secretary of anything else, who is wise enough to pass on all of the financial legislation and all of the legislation carrying appropriations this Government must adopt. It seems to me that Congress ought to exercise some jurisdiction with reference to these matters. It appears to me, although it seems to have been somewhat forgotten, that it is the function of Congress to fix appropriations, and to determine revenue legislation, and I do not believe that Mr. Mellon, as wise as some believe he is, is wise enough to determine all of the policies for this Government. I do not believe the Budget Bureau or Mr. Mellon ought to be erected into a supergovernment to direct the Congress of the United States as to the various activities of the Federal Government.

Mr. President, a man who is disabled may have become disabled from exposure, he may have been exposed in the trenches in France, and years afterwards the seeds of disease that were sown in his body then may result in a breakdown. We can not trace it and say, "At 11.35 o'clock on the 15th day of June you were attacked by exposure and now you are ill." The mental strain of going through a campaign may cause a breakdown years after the war. A veteran who is disabled, regardless of his service connection, ought not to be in want without aid from his Government.

I desire to cite the views of certain Senators the other day when the former bill was before the Senate. I quote from the majority leader, the Senator from Indiana [Mr. WATSON], who said:

> The next proposition was one brought in by the able Senator from Massachusetts and the Senator from Texas. It was a proposition that the first year would carry perhaps $118,000,000, if I recall.

Of course, he was incorrect in those figures.

> According to my judgment—

These are the words of the Senator from Indiana, who reported the present bill—

> According to my judgment, if we intended to go directly to a pension system, that was the one we ought to have taken.

That is the proposition of the Senator from Massachusetts [Mr. WALSH] and myself.

> It stops up more holes and more gaps than any other proposition before us, and appealed to me with a great deal of force if we were in a position at this time to go directly to the pension bill. But after we had fully discussed it we came to the conclusion that we could not afford at this time to change the entire basis of legislation on this subject and go to a pension bill, because it was but one step removed.

Those were the views and sentiments of the Senator from Indiana [Mr. WATSON] last week, on the 23d day of June, 1930. The Senator from Indiana said the plan of the Senator from Massachusetts [Mr. WALSH] and myself was the plan that ought to be adopted if resort was to be had to a pension system. What caused the alteration in the views of the Senator from Indiana? What has come over him to make him say he is now opposed to the plan and is opposed to our amendment?

I quote the Senator from California [Mr. SHORTRIDGE], who had charge of the bill in the Senate the other day. Speaking of the estimates of the bureau and of Mr. Mellon, he said:

> Mr. SHORTRIDGE. The Senator may have his latest figure, but if he has his estimate of last week, or last month, it may be somewhat different. * * *
>
> Mr. REED. Mr. President, if the Senator will look at the middle of the first column of page 11309 of the CONGRESSIONAL RECORD of this session, he will see a letter from General Hines explaining the effect of this section.
>
> Mr. SHORTRIDGE. Yes; that letter has been circulated about, and has been torn to tatters. It has been answered again and yet again. * * *

That is what the Senator from California thought about these estimates last week. I quote now from the Senator from Connecticut [Mr. BINGHAM], speaking on the bill then before the Senate:

> It is so unfair that it will, I believe, eventually cause, in fact, I so trust, such a change in the law as to provide that the man who lost a leg at the front, instead of receiving $49, will receive $100 a month, which is the amount in this bill provided for the man who contracted a chronic or constitutional disease between 1925 and 1930. It seems to me that those who served in France and suffered a disability during the war which they can prove, are more deserving of the high compensation ratings than those who contracted diseases, however much they may disable, between 1925 and 1930.
>
> Therefore, Mr. President, when the Senator from Massachusetts and the Senator from Texas brought before the committee a general pension proposal granting 60 per cent of the compensation rating to any veteran of the World War who has contracted disease, provided he goes before the Veterans' Bureau and is able to prove that he is disabled but is unable to prove that his disability arises from anything connected with his service during the war, I voted for it, even after it was shown that it was disapproved at the White House, because I believed that that was a fair thing to do, and I believed that some day we ought to come to that.

The Senator from Connecticut stated last week in this Chamber that he favored the plan of the Senator from Massachusetts and myself. He said he voted for it. He said he favored it even after he heard that the White House did not approve it.

How can the Senator from Connecticut now come before the Senate and say he does not approve of the provision?

I quote from the Senator from Michigan [Mr. COUZENS], speaking in this Chamber last week:

Mr. President, I want to say a few words with respect to the Reed amendment and point out the inadequacy of the amounts allowed in the amendment.

I want to congratulate the Senator from Michigan. He is a man of generous impulses. He believes in taking care of the veterans. His views expressed before the committee and in this Chamber all testify to that attitude. But the Senator last week said that the amounts proposed by the Senator from Pennsylvania, being the same rates that are proposed in the House bill now, were inadequate. If they were inadequate last week, what change in the stock market or in the commodity market has occurred since last week to make them adequate now? Then the Senator from Michigan went on to compare industrial wages throughout the country.

Mr. President, in conclusion let me say, as I said at the beginning, that I do not favor a service pension simply based on service. I do not believe in cash bonuses. My father was a soldier and never drew a dollar of pension in his life. I think he was better off for it. I wish there were no necessity for pensions. I wish there were no necessity for disability allowances. But when a man who fought for his country in time of war is disabled so that he can not earn a livelihood, somebody is going to have to support him, either the charitable organizations or the county or the State or the Federal Government. The Federal Government is best able financially to bear that responsibility and carry that expense.

In 1918 the United States was in need. It was in dire need. It did not need any money. We had money enough to finance not only our own operations but the operations of all the Allies. It did not need any food. We had food enough not only to support our own Army but to support every army in Europe. What did it need? It needed men. It needed men with strong bodies, men with healthy bodies. It needed men who were not afraid to fight. It needed men who were not afraid to die, if need be, in order that their country might live. I do not believe that any grateful republic, when it finds its soldiers such as that in after years with bodies disabled by disease or injury, will let those men suffer or go uncompensated.

Mr. CARAWAY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Arkansas?

Mr. CONNALLY. I yield.

Mr. CARAWAY. If the men whom the Senator was discussing had shown no more willingness to fight than the members of another body, which I am not naming, had to stand up for their own bill, there would have been no casualties and there would have been no pensions for actual wounds received in battle.

Mr. CONNALLY. I thank the Senator. The Senator is correct. If the soldiers on the western front had had no more courage and no more staying qualities than the Members of another body which passed a bill costing twice as much as the bill which the Senate later passed, if they had not stood by their country any better than that body did by its own bill, there would not have been any casualties on the western front except accidents from climbing over the barbed-wire fences to get back to the rear.

Mr. CARAWAY. If I recollect correctly what I read in the newspapers, that body which we are not talking about or thinking about actually sent word to the President, "If you do not like our bill we will sustain your veto, whatever it is," and sent that word in advance of the President ever having vetoed the measure.

Mr. CONNALLY. The Senator from Arkansas put his finger on the exact point. In other words, after that body which the Senator is not mentioning had passed a bill carrying appropriations ranging between $181,000,000 and $200,000,000, after they had passed it by a solemn roll-call vote and later considered and agreed to Senate amendments to the bill, they sent ambassadors from that body to the White House saying: "We are going to sustain the veto of the President when he vetoes this bill. We are going to sustain that veto blindly. We do not know what kind of a bill will be proposed instead of it, but we are going to sustain the veto and take any bill that may be sent to us."

Mr. CARAWAY. But talking about the body which we can mention, which refused even on roll call to accept the pending bill, but passed the other bill by a vote of 66 to 6, if it should turn its back upon the bill now, what will we say about it, or rather what will the soldiers say about it?

Mr. CONNALLY. I can not state here what the soldiers will say about it because it would be unparliamentary.

Mr. CARAWAY. I am sorry the Senator can not state it.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Kentucky?

Mr. CONNALLY. I yield.

Mr. BARKLEY. I think the Senator did make it clear that when the bill was originally in another body carrying a minimum of $181,000,000, there was no objection urged against it by the Secretary of the Treasury. It was not until the bill got into the Senate and the amount carried by it had been reduced by about two-thirds that the objection came on the day when we were to vote. Dire distress in the country was discovered and the statement was made that if the bill should pass carrying one-third of the appropriation authorized by the bill as it passed the other House and without objection upon the part of anybody, no one could foretell what might happen in the way of a deficit.

Mr. CONNALLY. The Senator from Kentucky is exactly right. When the bill was originally before the House and carried $181,000,000 of appropriation there were no dire predictions on the part of the Secretary of the Treasury. We heard no outcry from the Senator from Ohio [Mr. FESS]. We heard no complaint from the Senator from Indiana [Mr. WATSON]. Apparently it was all right. But when it got over into the Senate and the amount was reduced by more than $100,000,000, because the Senate deducted more than $100,000,000 from the amount carried in the veterans' relief bill as it passed the House, then it was, and only then, that the Bureau of the Budget and the Secretary of the Treasury and the Director of the Veterans' Bureau, and all the others who could be persuaded to bring pressure to bear upon this body, made themselves heard in an effort to make it appear that a deficit was going to be created.

Mr. CARAWAY. Mr. President, does the Senator think he would be able to get any information from the leaders on the other side of the Chamber as to who is to get the $200,000,000 surplus which we have right now? The veterans are not to have it because if they get it, it will create a deficit. Who is to have it?

Mr. CONNALLY. The Senator from Arkansas, with the shrewd mind he has, ought not to ask me to answer even what would appear to be a simple question like that. It will be kept there in the Treasury for any use to which the ruling powers may see fit to apply it.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Tennessee?

Mr. CONNALLY. I yield.

Mr. McKELLAR. I am rather inclined to think the Senator from Texas is a little too harsh on the Secretary of the Treasury. I think the Secretary of the Treasury is doing better in his predictions lately. It will be remembered that when the soldiers' bonus bill was before the Congress he missed his prediction by some $600,000,000, as I recall the amount. I think that is the sum and that his prediction was that there would be a deficit of $600,000,000. As a matter of fact there was a surplus of $300,000,000. Now, he has brought his predictions down to where he is wrong only $200,000,000. It seems to me he is improving somewhat. Either he is improving or his fear of the World War veterans' bill is not quite so great.

Mr. CONNALLY. I will say to the Senator from Tennessee that if the marksmanship of our soldiers in France had been no more accurate than the predictions of Secretary of the Treasury Mellon with reference to deficits and surplus when we have a veterans' bill before us for consideration, there would not have been a dent made in the German lines.

Mr. ROBSION of Kentucky. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Kentucky?

Mr. CONNALLY. I yield.

Mr. ROBSION of Kentucky. I notice that the Senator from Texas [Mr. CONNALLY], the Senator from Arkansas [Mr. CARAWAY], the Senator from Tennessee [Mr. McKELLAR], and my distinguished colleague from Kentucky [Mr. BARKLEY] have been agreeing on a number of matters. I also notice that they are four Senators who were in the House in 1917 when a compensation bill was passed to compensate World War veterans injured in line of duty. I rise to inquire how the distinguished Senator from Texas voted on that bill which proposed to limit to $30 per month the compensation to soldiers totally disabled in line of duty in France?

Mr. CONNALLY. I will answer that question. I will say to the Senator from Kentucky, who is so particular about every-

thing regarding our war record in 1917, that it looks to me as though he should ascertain what the actual facts are.

Mr. ROBSION of Kentucky. The actual facts are——

Mr. CONNALLY. Just a moment. I will answer the Senator.

Mr. ROBSION of Kentucky. Mr. President——

Mr. CONNALLY. Very well; go ahead.

Mr. ROBSION of Kentucky. The actual facts are that the Senator from Texas, the Senator from Tennessee [Mr. McKELLAR], the Senator from Arkansas [Mr. CARAWAY], and the Senator from Kentucky [Mr. BARKLEY] all voted for a bill limiting payment to $30 a month for total disability incurred in line of service; and in the administration of that law the Director of the Veterans' Bureau gave $30 for 10 per cent and $30 for total disability.

Mr. CARAWAY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Arkansas?

Mr. CONNALLY. I yield.

Mr. CARAWAY. When the Senator gets his facts right he can make another speech; but he is so utterly wrong, why should we worry about him?

Mr. ROBSION of Kentucky. I have read from the CONGRESSIONAL RECORD of September 13, 1917, containing the roll call in the House.

Mr. CARAWAY. And on what was the roll call?

Mr. ROBSION of Kentucky. On the bill.

Mr. CARAWAY. Oh, the bill. The Senator is entirely mistaken.

Mr. CONNALLY. Let me say to the Senator from Kentucky that, of course, I have not consulted the RECORD lately.

Mr. CARAWAY. It is the same now as it was then.

Mr. CONNALLY. Evidently the Senator from Kentucky has done so; but, as I recall, there was an amendment offered by a Representative from my own State, Judge Black, now on the Board of Tax Appeals. There was a provision in the measure that made a distinction between the compensation of enlisted men and officers, and, as I recall, Representative Black offered an amendment removing that distinction and providing a rate of $80 or $100 a month.

Mr. ROBSION of Kentucky. No; I will read from the act itself——

Mr. CONNALLY. I will answer the Senator. Is he referring to the vote on the final passage of the bill?

Mr. ROBSION of Kentucky. Yes.

Mr. CONNALLY. All right; I will answer the Senator. Yes, we voted for it because it was either that or nothing. How would the Senator have voted? Would he have denied soldiers of the World War even $30 a month?

Mr. ROBSION of Kentucky. Wait a moment, and I will answer the Senator's question.

Mr. CONNALLY. Then, answer me.

Mr. ROBSION of Kentucky. The Democratic Party then had plenty of votes; it was in control of Congress; it had a substantial majority in both the House and the Senate. There was also a Democratic President, and Mr. McAdoo was Secretary of the Treasury. The Democratic Party had charge of legislation in the House and the Senate. I am wondering why they limited the payment for total disability to $30 a month. I will say that I would not have voted for it; I think it was an outrage.

Mr. CONNALLY. And the Senator will not vote for this proposal, either.

Mr. BARKLEY. Mr. President——

Mr. CONNALLY. I yield to the Senator from Kentucky.

Mr. BARKLEY. I will say to the Senator from Texas that that was the first war in which the United States had ever engaged up to that time when Congress ever provided in advance any compensation for disability incurred by a soldier who was engaged in the war.

Mr. CONNALLY. Yes. I will say to the Senator from Kentucky that I accept the challenge. He is trying to make a political issue out of this matter. He is correct in one thing, namely, when he says the Democratic Party had a President in the White House at that time. Yes, we did have a President in 1918. The Senator is correct in saying also that we had control of legislation at that time, and, as suggested by the senior Senator from Kentucky, in no war that had ever theretofore been fought had we had any sort of provision in advance for disability incurred by soldiers participating in the war.

Mr. ROBSION of Kentucky. If the Senator will permit me——

Mr. CONNALLY. Wait until I answer the question.

Mr. ROBSION of Kentucky. In every war that has been fought——

Mr. CONNALLY. I refuse to yield until I say, "I yield."

Mr. ROBSION of Kentucky. In the case of every war we have provided pensions for disabilities.

Mr. CONNALLY. I ask that the Chair enforce the rule against a Republican as well as a Democrat. I will yield to the Senator when I desire to yield.

Mr. CARAWAY. If the Senator from Texas does not hurry, the Senator from Kentucky will not be here.

Mr. CONNALLY. The Senator from Kentucky is trying to revive the bitterness and partisan rancor of 10 or 12 years ago. I think that the future historian will be able to write the history of the great World War, and I think he will be able to tell whether or not under Democratic leadership the United States came out of that war with victory on its banner. We came out without any stain upon our record. Not one responsible Democratic official during that war was ever convicted or ever charged with graft or corruption. Since the Senator from Kentucky wants to make it a partisan issue, I might suggest that as soon as the war was over, and his party came into power, members of that party plunged their arms up to their elbows in graft and corruption. Even an official of the Veterans' Bureau was convicted and put in the penitentiary for misusing the funds of that bureau. If the Senator wants the facts, those are the facts, and let him make the most of it.

Mr. ROBSION of Kentucky. Oh, no; the Senator can not make a political issue out of it. I was just asking the Senator how he voted.

Mr. CONNALLY. I voted for it, and the Senator from Kentucky said he would have voted against it. He said that if he had been here during the war he would have voted to send men into battle, he would have voted to send men to France, and then when the only bill that came before Congress provided for giving them compensation at even the moderate rate of $30 a month, the Senator from Kentucky said that he would not even vote to give them $30; that he would draft them and send them into the jaws of hell without a cent of compensation for disabilities received.

Mr. ROBSION of Kentucky. The Senator from Kentucky would have been for a reasonable compensation; that is what he would have been for.

Mr. CONNALLY. But if the Senator from Kentucky had been there then his influence in obtaining a reasonable bill would have been of about as much consequence as his action here to-day will be with reference to the pending bill. The Senator from Kentucky, 12 years after the war, rises here and asks the Senator from Texas how he voted 12 or 13 years ago on a compensation bill. Yes, I voted for it; and I am going to vote to-day to give to some of those boys who are now disabled, for whom the Senator from Kentucky professes such an intense sympathy, compensation more adequate than the pending bill provides.

The Senator from Kentucky wanted a more reasonable bill, he says, in 1918. Look how his heart has broadened during these years! Look how much milk of human kindness has accumulated in his system since that time! Thirty dollars was not enough away back in 1918; he wanted Congress to give them a large amount. That was when they were well; that was when they were strong; but now that they are crippled, wounded, sick, and their bodies bent and broken he wants to give them $12 a month for 25 per cent disability; and if a veteran is 50 per cent disabled the Senator from Kentucky says, "No; you shall have but $18 for a 50 per cent disability," and if the veteran is three-fourths dead, out of the immensity of his sympathy, the Senator from Kentucky is willing to allow him $24 a month.

Mr. McKELLAR and Mr. ROBSION of Kentucky addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Texas yield; and if so to whom?

Mr. CONNALLY. I yield to the Senator from Tennessee.

Mr. McKELLAR. I wish to say that the RECORD from which the Senator from Kentucky read a few moments ago is the House RECORD of date September, 1917. If the Senator from Kentucky is no more accurate in his statement of other facts than he is about history we need not pay very much attention to what he says, for I was not even a Member of the House at that time.

Mr. ROBSION of Kentucky. I will say that the Senator from Tennessee voted on October 4, according to the RECORD here.

Mr. McKELLAR. I was not a Member of the House at that time.

Mr. CARAWAY. Mr. President——

Mr. CONNALLY. I yield to the Senator from Arkansas.

Mr. CARAWAY. I was going to say that the Senator from Kentucky was for holding out large promises in order to get men to fight the war and let other people stay home, but now that the war is over he says, "I will not pay you a cent; there is no danger now."

Mr. ROBSION of Kentucky. Mr. President, I should like to correct the Senator.

Mr. CONNALLY. I should like for the Senator from Kentucky to get permission before he addresses the Senate. I will grant it, but I desire the Chair so to announce.

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Kentucky?

Mr. CONNALLY. I refuse to yield until the Senator from Kentucky conducts himself in a parliamentary manner and asks me to yield.

Mr. CARAWAY. Then the Senator from Texas will not yield at all.

Mr. ROBSION of Kentucky. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Kentucky?

Mr. CONNALLY. I yield.

Mr. ROBSION of Kentucky. The Senator from Texas has spoken incorrectly. Last December I introduced a bill in the House before I left that body granting pensions to non-service-connected disability veterans of the World War ranging up to $50 a month and $72 a month where an attendant is needed. The bill also provides a pension for their widows and children. When I came to the Senate I reintroduced that bill. So I think the statement of the Senator as to my attitude toward veterans' legislation is not correct.

Mr. CONNALLY. Oh, of course not.

Mr. President, let me say to the Senator from Kentucky I did not get him into this debate; I did not provoke the Senator from Kentucky; I was trying, in my humble way, to present certain facts to the United States Senate; and then the Senator from Kentucky over there, with his investigatory powers and a spyglass, has been digging into some partisan record in order to try to embarrass the Senator from Texas; and whatever I said in reply was provoked by the Senator himself.

The Senator says that he is strongly in favor of the bill that was introduced last fall. The Senator also voted for a bill here two or three weeks ago to pension civil employees of the Government, men with poll-tax receipts, who vote, many of them perhaps in Kentucky; he is willing to vote money out of the Treasury to give pension allowances to clerks and stenographers who have lived off the Government for their whole lifetime, and then when they retire he wants to give them money out of the Treasury. But when it comes to the World War veteran who is totally disabled, with a wife and with children, the Senator from Kentucky says, "No; I will not give him $60 a month; let him have $40 if he is flat on his back, and if he is only reasonably crippled pay him $12." That is the doctrine of the Senator from Kentucky. Yes; the Senator from Kentucky voted two weeks ago for a Civil War pension in which he gave every Union soldier $75 a month, whether he is well or whether he is sick, whether he is rich or whether he is poor. The main consideration probably with the Senator from Kentucky is, Has he got the right to vote? He voted to give him $75 a month, but he will not give to the World War veteran more than a maximum of $40 a month for total disability.

He voted to give to the Spanish-American War veteran $60 a month not two weeks ago, and yet when it comes to the World War veterans he says, "No; we must not have a deficit; Mr. Mellon, my political director, says that we must not exceed the Budget."

Mr. President, in conclusion let me repeat something I said a while ago. In 1918 this Government was in the war; it had its forces yonder on the western front; it was in need—not in need of food, for we had sufficient food to feed the armies of the world; it did not need money, for we had enough money to finance the armies of the world; but what we did need was men, men with strong arms and healthy bodies, men who were not afraid to fight, men who were not afraid to die, if necessary, in order that their country might live. Now, 12 years after the war, a great rich country, loaning money to the world, reducing the war debts that other nations owe it, granting bounties from the Treasury to stimulate the merchant marine—$30,000,000 through mail contracts—and millions of dollars a year through tariff rates in order to fatten and prosper certain particular industries, it is proposed that we shall deny justice to the soldiers of the World War.

Mr. President, as a Senator of the United States, as a Senator of a grateful Republic, I shall never vote to make one of those veterans who went through that tornado of war and that furnace of hell, and who is now disabled or diseased—I for one shall not vote to make him eat the bread of a beggar or wear the rags of a pauper.

Mr. REED. Mr. President, I should like to take advantage of the lull in hostilities between Texas and Kentucky to put in the RECORD some estimates that have been prepared by the Veterans' Bureau to show the cost of the respective proposals which we are considering. These figures are not from Mr. Mellon. I do not believe it is necessary for me to defend Mr. Mellon at this time. He has been under constant denunciation for the last nine years; so that if this building shall ever be dismantled I am sure that the bricks when taken out will still be ringing with epithets directed against him. These estimates come from the Veterans' Bureau.

The bill, as it was reported by the Finance Committee, is estimated to cost $31,555,000 the first year; $58,000,000—I will leave out the odd thousands—the second year.

Mr. LA FOLLETTE. Mr. President, will the Senator yield? I did not hear what he said for the second year.

Mr. REED. I will start again.

In 1931 it is estimated that the bill, as reported by the Finance Committee, will cost $31,500,000.

In 1932 it will cost $58,000,000.

In 1933 it will cost $71,000,000.

In 1934 it will cost $76,000,000.

In 1935 it will cost $82,000,000.

That is the bill as it came from the Finance Committee. If the amendment offered by the Senator from Massachusetts [Mr. WALSH] is adopted, the bureau estimates that the cost of the bill will be $58,000,000 in 1931, $116,000,000 in 1932, $143,000,000 in 1933, $155,000,000 in 1934, and $167,000,000 in 1935—almost exactly twice the amount for each year that the bill would cost as it came from the committee. In other words, the Walsh amendment, if adopted, just about doubles the cost of the bill in each year.

Mr. STECK. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Iowa?

Mr. REED. I yield.

Mr. STECK. Can the Senator gives us any explanation as to why the amount is doubled after the first year?

Mr. REED. I am glad the Senator asked that question, because it seems paradoxical to say that increasing the limit from $40 to $60 results in doubling the aggregate. In other words, to increase the maximum 50 per cent ought not, as it appears at first glance, to double the cost of the bill.

It comes about in this way: The addition of an allowance to men who are disabled less than 25 per cent, which is effected by the Walsh amendment, adds so many men to the rolls that although the average amount per man is very slightly increased the additional number of men doubles the total burden. The bureau estimates that under the Finance Committee bill the average amount paid would be $18 per man, while under the Walsh amendment the average amount paid would be $20 per man; but whereas it is estimated that only 156,000 men would apply for the allowance the first year under the Finance Committee bill 288,000 would apply under the Walsh amendment; the additional number, you see, being made up of those men who are injured less than 25 per cent.

I wonder if I have made that clear.

Mr. STECK. The Senator has made it clear to me. One other question:

The director's figures on the Walsh-Connally amendment are that the first year, in 1931, it would cost $58,000,000.

Mr. REED. That is the total bill.

Mr. STECK. The second year it would cost $116,000,000.

Mr. REED. That is right.

Mr. STECK. I am not able to determine why it should cost twice as much in 1932 as it would in 1931.

Mr. REED. Because the experience of the Pension Office shows us that the applications will come in at about that rate. It is largely an administrative matter. A good many men will not learn of their rights at once.

Mr. STECK. I have in my mind one other matter, somewhat along the same lines that I have questioned the Senator about; but I am curious to know where the figures came from that are in the present bill. They are the same figures that the Senator from Pennsylvania offered when the bill was in the Senate some time ago.

Mr. REED. Yes.

Mr. STECK. Did they grow out of the Senator's own mind, or are they the result of the study of somebody, or the Veterans' Bureau, or experience?

Mr. REED. No; they came about in this way: They are the schedule established by the Spanish-War veterans' disability pension act of 1920, with the maximum increased from $30 up to $40. Otherwise the figures are the same as in the disability pension act of 1920.

Mr. STECK. Now, just one other question:

Since the Senate passed the veterans' legislation and it was sent back to the House and approved by the House it has appeared in the newspapers, and it seems to be the general opinion of the country at large—it was my opinion, gained from con-

versation and from the newspapers—that the present bill is the bill which is put forward by the President, by the administration, as a compromise. Does the Senator know whether there is any basis in fact for that?

Mr. REED. I am not authorized to speak for the President; but I have the impression that he would be satisfied with the bill as it came from the Finance Committee or as it came from the House.

Mr. STECK. The principal reason why I am asking that question is this: I am wondering who is to take the responsibility of initiating pension legislation for veterans of the World War. Is the Congress taking that responsibility, or is the administration taking it? They are certainly not attempting to place the responsibility upon any of the veterans' organizations.

Mr. REED. I think we must all carry our own responsibility. I am very glad to assume the responsibility for what is called the Reed amendment, although I must confess that the idea was plagiarized from the Senator from Massachusetts [Mr. WALSH], because he had offered an amendment in the Finance Committee several weeks before that time.

Mr. STECK. A number of Senators have asked me whether or not this part of the bill had the Legion's approval, and I have been forced to answer that the Legion has neither approved nor disapproved it.

The Senator knows the reason why I am trying to place the responsibility, to protect the Legion. The fact of the matter is, as the Senator knows, that when the bonus legislation was up some years ago, under the administrations of Mr. Harding and Mr. Coolidge, a promise was asked for and given by the officers of the American Legion that if the so-called bonus bill passed during the life of those certificates the American Legion would not come to Congress asking for pension legislation. So I just want it clearly understood at this time that the American Legion at least has not initiated the pension legislation, and that the American Legion has abided by its pledge and abided by its promise. I want it understood by the Senate and by the country that this pension legislation is not initiated by the Legion. It is initiated, as far as I can determine, by the administration. The Legion is taking no stand whatever in the matter.

Mr. REED. That seems strange, because I have before me a telegram on the subject from the national commander of the Legion.

Mr. STECK. If the Senator has read it, he knows that it exactly follows what I have said; and, if it is the same telegram that I have, reading from a part of the telegram, it says:

> The proposed amendment to section 200 is a departure from the established policy of the Legion. I am therefore in no position to comment thereon.

Mr. REED. It follows that by a statement asking Colonel Taylor to speak to the Senate Finance Committee for the national commander and "assure them of our appreciation of their interest in this disabled legislation, and urge them to report out immediately the bill with the amendments suggested above," which, by the way, have been put in the bill.

Mr. LA FOLLETTE. Mr. President, if the Senator will yield, the amendment eliminating the Comptroller General from the Veterans' Bureau was not adopted.

Mr. REED. That is true.

Mr. STECK. There is no expression in this telegram which the Senator can construe to mean that the American Legion has sponsored pension legislation. That is what I am getting at.

Mr. REED. No; I did not say that the American Legion had sponsored it. I shall be very glad to assume the responsibility for sponsoring it when I offer that amendment.

Mr. STECK. I do not want the Senator to.

Mr. REED. If that is subject to blame, I am glad to take it.

Mr. STECK. I should like to know where the responsibility is. I am not asking the Senator to assume anything.

Mr. REED. I introduced the amendment first on the floor of the Senate, and I was not asked to do it by the American Legion.

I also have a message from the national commander of the Veterans of Foreign Wars, who has just telephoned from Lansing, Mich., that the Veterans of Foreign Wars favor the veterans' bill as reported to the Senate from the Finance Committee. So we need not have much doubt about where the veterans' organizations stand on this matter.

I ask leave to insert at this point in my remarks the two tables received from the Director of the Veterans' Bureau, showing in the first table the cost of the bill as it came from the Finance Committee, and showing in the second table the cost of the bill as it would be if the Walsh amendment were adopted.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

Estimated 5-year cost of H. R. 13174, as submitted by United States Veterans' Bureau

Section	Amendment	1931	1932	1933	1934	1935	Total
6	Relief of disbursing officers	$218,000					$218,000
9	Uniforms for personnel, Arlington Building, Washington, D. C	1,800	$900	$900	$900	$900	5,400
10	Assembling War Department records	3,000,000					3,000,000
11	Disability allowance for veterans suffering with permanent disabilities 25 per cent or more received subsequent to service—range $12 to $40; average monthly amount, $18	25,281,000	55,289,000	68,649,000	74,404,000	80,570,000	304,193,000
	Estimated number of veterans on rolls	(156,056)	(289,273)	(327,335)	(350,173)	(380,622)	
12	Minimum allowance of $20 for dependent mother and father	6,000	6,000	6,000	6,000	6,000	30,000
12	Flags to drape caskets	40,250	43,000	45,000	49,000	51,000	228,250
13	Extra $25 allowance for persons suffering the loss of use of a creative organ or one or more feet or hands in active service (estimate on amputation cases only)	$1,000,000	$1,000,000	$1,000,000	$1,000,000	$1,000,000	$5,000,000
14	Minimum rating of 25 per cent for arrested tuberculosis	8,000	8,000	8,000	8,000	8,000	40,000
	Administrative cost	2,000,000	2,000,000	1,500,000	1,000,000	500,000	7,000,000
	Total	31,555,050	58,346,900	71,208,900	76,467,900	82,135,900	319,714,650

Estimated 5-year cost of H. R. 13174, amended by amendment suggested by Senator Walsh

[U. S. Veterans' Bureau estimate based on Pension Bureau experience]

Section	Amendment	1931	1932	1933	1934	1935	Tota
6	Relief of disbursing officers	$218,000					$218,000
9	Uniforms for personnel Arlington Building, Washington, D. C	1,800	$900	$900	$900	$900	5,400
10	Assembling War Department records	3,000,000					3,000,000
11	Disability allowance for veterans suffering with permanent disabilities 10 per cent or more—received subsequent to service. Range $10 to $60; average monthly $20	52,018,380	113,763,840	141,252,960	153,094,740	165,782,160	625,912,080
	Estimated number of veterans on rolls	(288,991)	(535,691)	(606,175)	(648,468)	(704,856)	
12	Minimum allowance of $20 for dependent mother and father	6,000	6,000	6,000	6,000	6,000	30,000
12	Flags to drape caskets	40,250	43,000	45,000	49,000	51,000	228,250
13	Extra $25 allowance for persons suffering the loss of use of a creative organ or one or more feet or hands in active service (estimate on amputation cases only)	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	5,000,000
14	Minimum rating of 25 per cent for arrested tuberculosis	8,000	8,000	8,000	8,000	8,000	40,000
	Administrative cost	2,000,000	2,000,000	1,500,000	1,000,000	500,000	7,000,000
	Total	58,292,430	116,821,740	143,812,860	155,158,640	167,348,060	641,433,730

NOTE.—It must be remembered that the effect of the provision in sec. 210 will not reduce the annual cost of this bill. It only avoids necessity for making an additional appropriation of approximately $25,000,000.

Mr. WALSH of Montana. Mr. President——

Mr. REED. I yield to the Senator.

Mr. WALSH of Montana. I inquire of the Senator if we are to understand from the statement he makes concerning the telegram from the commander of the Veterans of Foreign Wars that that signifies a choice on his part as between the bill as reported by the committee and the amendment now proposed.

Mr. REED. No, Mr. President. Of course, if the veterans thought that a bill containing the rates in the amendment offered by the Senator from Massachusetts [Mr. WALSH] could be secured, undoubtedly they would prefer them; but I am afraid the veterans have learned by sad experience that the efforts to increase rates in bills of this type do not always materialize in enacted legislation. In other words, to put it plainly, the vet-

erans know that they can get the rates offered in the Senate bill, and they do not want to see the bill overloaded to the point where it will fail. That, I think, is their thought.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Nebraska?

Mr. REED. I yield to the Senator.

Mr. NORRIS. The Senator means by that that they are afraid of a veto?

Mr. REED. No; not necessarily. They may be afraid of a disagreement with the House; they may be afraid of a veto; they may feel that to load up the bill will endanger its final passage. I am not implying that the President is going to veto the bill, because I do not know. I have not asked.

Mr. NORRIS. Does the Senator mean to imply that the House of Representatives, if left to themselves, to follow their own convictions, would oppose the amendment offered by the Senator from Massachusetts?

Mr. REED. They might. They show a greater responsibility for the public finances than we do.

Mr. NORRIS. Assuming that they would, the bill would go to conference, would it not?

Mr. REED. It would.

Mr. NORRIS. What reason has the Senator to think that because it goes to conference on the disagreeing votes of the two Houses it would for that reason fail?

Mr. REED. It might fail in conference.

Mr. NORRIS. That is possible, of course.

Mr. REED. The District appropriation bill is doing that at this minute.

Mr. NORRIS. Yes. That might happen to any legislation. If that be true, then when we get a bill from the House it would be our duty to pass it as the House passed it. Otherwise, if we made an amendment, it might fail.

Mr. REED. Of course.

Mr. NORRIS. I desire to ask the Senator another question. He referred to a telephonic communication with the commander of the organization of foreign wars.

Mr. REED. The national commander of the Veterans of Foreign Wars.

Mr. NORRIS. The national commander; yes. That took place after the veto of the other soldier relief bill; did it not?

Mr. REED. The message came through Captain Bettelheim about an hour and a half ago, I should say.

Mr. NORRIS. Then I suggest to the Senator that the message probably came on the theory that the other bill had been vetoed, and that the rates provided in the Senate bill that has been reported here were all that they could get.

Mr. REED. I think that is probably so.

Mr. NORRIS. It would be fair to say, would it not, that under the existing circumstances the commander probably went on the theory that it was that or nothing, and he would rather have that than nothing?

Mr. REED. I suspect that is the way his mind worked.

Mr. LA FOLLETTE. Mr. President, in connection with the Senator's statement that the House has greater concern for the state of the public finances than we have, I would like to point out that the bill which originally passed, and which came over to the Senate, carried about $181,000,000 of drain on the Treasury.

Mr. REED. I think that is true; but I believe that is rather exceptional. I believe that the veterans feel as a large part of the population feel, that the Senate has been increasingly reckless in its expenditure of the national funds. I believe that they look rather askance at proposals in the Senate to load down these bills. Perhaps that is an injustice to the Senate, but at any rate, I believe that the veterans are rather skeptical of proposals to increase the schedules in this particular bill.

Mr. WALSH of Massachusetts rose.

Mr. REED. I say that without reflecting in the slightest upon the motives of the Senator from Massachusetts. I would like to say now that ever since he and I served together on the committee which investigated the Veterans' Bureau—the investigation which resulted in sending Director Forbes to the penitentiary, by the way—ever since that day, back in 1923, the veterans of the last war have had no stancher friend than the Senator from Massachusetts. I know that in that investigation and since then he has handled veterans' legislation, as far as I could tell, without a suspicion of political bias.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. REED. I yield.

Mr. NORRIS. I want to ask the Senator if it is not true, speaking of the vetoed bill, that the House of Representatives as it originally passed that bill provided for a larger expenditure of money than was authorized in the Senate bill after it had been amended, and in which form it was vetoed?

Mr. REED. That is quite true; the bill was loaded down on the floor of the House, and I doubt if there was a single Member of the House who realized how devastating it was at the time he voted for it on final passage.

Mr. NORRIS. Can the Senator harmonize that action on the part of the House in passing that bill, which was loaded down much heavier than it was when the Senate got through with it, and much heavier than it was when the President vetoed it, with his statement that the Senate is the extravagant body, and has no consideration for the condition of the Public Treasury?

Mr. REED. Yes; I can harmonize those statements. I think the House did not know what the bill would cost. I do not think any of them realized the extent of the amendments which were adopted after the bill had been reported out. No estimate had been given. I do not believe the House was conscious of the effect of the amendments.

Mr. NORRIS. Can it be possible that the House, being that reckless and passing legislation providing for such enormous expenditures of money, is still much more careful than the Senate? If that be the case, then the Senate is certainly reckless indeed, if we are to consider as the fact what the Senator has stated as his belief, that the House passed that bill without knowing what was in it.

Mr. REED. I gladly confess that their action in that case and on that bill does not bear out the other statement I made.

Mr. LA FOLLETTE and Mr. GLASS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield; and if so, to whom?

Mr. REED. I decline to yield for a moment. I will yield in just a little while.

I say the impression prevails in the United States that on the whole the House is far more careful in the expenditure of Government money than is the Senate, and I believe that that is one of the reasons why the veterans look askance on efforts by the Senate to pile up the rate schedule in the pending bill. I do not offer that as my own opinion.

Mr. WALSH of Montana. Mr. President, I rise to express the hope that the chairman of the Committee on Appropriations has been listening to the statement of the Senator from Pennsylvania, and will, before the Congress adjourns, tell the Senate how much substance there is in the statement made by the Senator from Pennsylvania to the effect that the country believes that the Senate has been reckless in the expenditure of public funds.

Mr. REED. I do not suppose the chairman of the Committee on Appropriations knows any better than any others of us what the country believes on that subject.

Mr. WALSH of Montana. I was not aware that that view was prevalent. I was surprised to hear the Senator make the statement, and I hope we will have the exact truth about the matter.

Mr. REED. The exact truth is impossible to ascertain. It necessarily must be a matter of the impression each of us forms from reading editorials and from our correspondence.

Mr. LA FOLLETTE and Mr. GLASS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield; and if so, to whom?

Mr. REED. I think the Senator from Wisconsin asked me to yield first. Then I will yield to the Senator from Virginia.

Mr. LA FOLLETTE. Mr. President, I do not wish to interrupt the Senator further, but in connection with the Senator's statement that he doubted whether Members of the House realized what the original bill which they passed would amount to in expenditures, I merely wish to say that a perusal of the debates when the original bill was pending in the House will show that there were submitted to the House during the debates various estimates as to the cost of the various amendments which were adopted; and if Members of the House were not familiar with the total sum which the bill would cost, it must be assumed that it was because they were absent and did not listen to the debates.

Mr. REED. Be that as it may, I am giving only what I believe very strongly to be the general opinion in the country, and I think the veterans share it.

Mr. McKELLAR. Mr. President, will the Senator yield to me?

Mr. REED. I yield.

Mr. McKELLAR. The Senator talks about the Senate being more profligate in the use of money than the House.

Mr. REED. I did not say it was; I said the country thought it was.

Mr. McKELLAR. I am going to tell the Senator some facts. A short time ago the Senate passed a retirement bill, giving a very large increase in retirement pay to the civilian employees

of the Government, and the House nearly doubled the amount. Not a word was said about it, and the President signed the bill. It seems that when the appropriations are for civilian employees, even if the House is reckless in giving out money to civilian employees, it is all right; but if they are military employees, it is all wrong.

Mr. GLASS. Mr. President, will the Senator yield to me?

Mr. REED. I yield.

Mr. GLASS. The apparent inconsistency of the Senator from Pennsylvania can be explained by the superior discernment and intellectual capacity of the other House. They learned in 20 minutes' debate more than other Senators have been able to learn about this measure in the last few hours. Does the Senator seriously think that the House knows much about this bill which was sent over here?

Mr. REED. Mr. President, I am quite sure that the Veterans' Committee of the House knows all about it.

Mr. GLASS. Well, the Senator is more credulous than I am.

Mr. REED. Principally because every section in the bill as it came from the House, excepting one, was in the legislation previously passed by the House, or reported by Chairman JOHNSON, of the Veterans' Committee. They have been studying this matter for a year. As far as that committee is concerned, it knows just as much about veterans' affairs as anybody in the city of Washington.

Mr. GLASS. I am not talking about the committee; I am talking about the House. The committee does not legislate. The House had 20 minutes' debate on the bill. Does the Senator think the House can comprehend more in 20 minutes than the Senate can in several days?

Mr. REED. I am not going to get into a comparison of the Senate and the House.

Mr. GLASS. The Senator made a comparison.

Mr. REED. Mr. President, in the hearings before the Finance Committee on the cost of the amendment offered by the Senator from Massachusetts testimony was taken, and the Director of the Veterans' Bureau testified that the rates given in the Walsh amendment would cost on an average $164,000,000 per year over the next five years. A representative of the Pension Bureau estimated that the average cost would be $171,000,000 a year for the next five years. There was comparative agreement between the two authorities on the cost.

Frankly, I think the average they have assumed is a little bit too high. I believe that it will run closer to $20 than to $25, on an average, per man per month, and I think that both of those estimates are a little bit high. The average will run closer to $135,000,000, I should say, for the 5-year period.

Necessarily, there is a factor of some doubt—that is, the rate at which the applications will come in, but it seems to be generally conceded by both authorities that about 600,000 men will come upon the pension rolls in the course of the next five years, and that the cost at the end of the five years will be in the neighborhood of $160,000,000 for the last of the five years.

Mr. President, there is one other matter to be borne in mind; and I am going to speak very briefly, because I do hope we can get a vote on the bill this afternoon. The Spanish-American War veterans had to wait for 22 years before they got a disability pension. The World War veterans wait 12 years, against the Spanish-American War veterans wait of 22 years. These men are getting their disability pension 10 years sooner than did their Spanish-American War brothers. That is one fact.

In the next place, while the rates in the bill as it came from the Finance Committee range from $12 to $40, according to the degree of the disability, the rates first given the Spanish-American War veterans after their long wait ranged from $12 to $30. So the World War veterans are getting a more liberal pension after 12 years than the Spanish-American War men got after 22 years.

There is still this factor, that the month in which the Spanish War veterans' bill was enacted, June, 1920, was the month in which the cost of living was the highest in the entire history of the United States. The $30 maximum given the Spanish-American War veteran in June, 1920, bought less in the way of subsistence, comforts, and necessities than $30 ever bought before or since. The value of the dollar to-day is almost twice what it was when the Spanish War act was passed. Not only do we give the World War veteran more money 10 years sooner than we gave anything to the Spanish-American War veteran, but the money we give him has a purchasing power twice the purchasing power of the pension of the Spanish War veteran in 1920.

All those things are worth taking into account. It is purely a matter of dollars and cents. Probably $60 a month will not support a man in comfort in the city and it will not support his family. If we had the money, we would all like to see more than that paid. Nobody would resist paying more to a disabled man.

We have to draw the line some place. It seemed to a majority of the committee that the rates stated in the bill under all the circumstances were all we were justified in giving at that time. It is not a matter of principle. It is purely a matter of calculation in dollars and cents. We are paying out in the current year over $511,000,000 to the veterans of the last war. We are increasing that by this bill an average of $60,000,000 more. We are adding $60,000,00 on top of the $511,000,000 which we are now spending.

No nation on earth ever treated its veterans so well. We must not stop to figure this disability allowance as if it were the only thing the veterans are getting. We are giving them free medical treatment either in dispensaries or in the hospitals. We have thousands of such veterans in the hospitals to-day, getting the best care that America can give them. We have given them a bonus law. Remember, when we contrast these figures with the Spanish-American War figures, that the Spanish-American War veteran gets no bonus for his fighting. Everyone of the beneficiaries of the bill now before us has a bonus besides, and he has hospital treatment in addition to that. As I said, no nation in history ever treated its veterans as well as we have treated the World War veterans. I am proud of that. I am proud that our country has been able to do it and I am glad it has done it. We have no need to apologize to anybody for the liberality of our treatment of our veterans.

This year, out of a total expense of $3,300,000,000 aside from sinking-fund operations, over $700,000,000, or more than 20 per cent, is going to veterans of past wars or their dependents. Surely it can not be charged that we have been niggardly in our treatment of the men who stood by us in the country's time of need.

I hope, Mr. President, that for the sake of getting something for our veterans the Senate will see fit to stand by the action of the Finance Committee.

Mr. MCKELLAR. Mr. President, I shall detain the Senate but a moment. In the colloquy a moment ago between Senator REED and Senator NORRIS something was said about vetoes by the House and vetoes by the President. It will be remembered that the President vetoed a prior bill of this character just a few days ago. He vetoed a Spanish-American War veterans' bill a few weeks ago. As a vetoer of sick, wounded, and maimed war veterans' measures, he has become an expert; but that is another question. I have here three short verses evidently written by a soldier which I want to read to the Senate. It seems to me it is very appropriate while we are considering vetoes and while we are considering this legislation. I read from the Chicago Tribune of June 27, 1930:

AND NO ONE PUT A VETO ON THAT

I remember the dawn of that cold, rainy day,
Our first time over the top,
How for hours we crouched in the mud of the trench
With our hearts going flippity flop.
And at last the word came, and over we went
Where the bullets whistled and spat,
And shrapnel screamed round like demons from hell,
And no one put a veto on that.

I remember a night in a thick marshy wood
When the Boche gave a chlorine gas ball;
We couldn't fight back, we were held in reserve,
Had to stay there and take it, that's all.
And thicker and thicker the stinking fumes grew,
While we lay there sprawling out flat,
Choking and cursing, but holding our ground,
And no one put a veto on that.

I remember the night when with pick and with spade
We scooped shallow graves for our dead;
No songs could be sung—there were snipers around,
Not even a prayer could be said.
We had to work fast, for with coming of day
The guns would start in to chat;
Without coffins or blankets we laid them away—
And no one put a veto on that.

Mr. President, it seems that this great rich Government of ours has plenty of money, according to the President, for every other purpose—to retire our civil employees—hundreds of millions to pay back to war profiteers in increasing amounts every year, although the war has been over for 12 years; to give billions to European governments in remitting their indebtedness; millions to the starving in Russia; $161,000,000 refunds to rich taxpayers who lost in gambling in Wall Street; plenty

of money to give to those who do not need it, to put money in the coffers of those who have never stood up and fought for their country; but many of whom were making profits while these boys were standing in the trenches or going over the top or burying their dead. No one, not even the President, thought of putting a veto on that. But when it comes to a pension bill for the boys who stood there, who fought there, who were wounded there, just remember the vetoes we have had! Our President is quick to find his veto power when a sick, maimed, or wounded soldier's bill is passed.

O Mr. President, I commend the words of this soldier boy who wrote these lines and say that it is not time to put a veto on legislation that will do the right thing by our sick and wounded soldiers. There is not a Senator here, in my judgment, who does not believe that what he did the other day was right when we passed the bill giving the sick and disabled and wounded soldiers that which is their just due. We all thought it or we would not have voted as we did—66 to 6—and even some of the six did not want to vote as they did vote. There was no factionalism in that vote. Here is cheeseparing, here is parsimony, when it comes to dealing with the soldiers, because the President commands it; but liberal to the extreme with war profiteers, with the civilian employees, with foreigners, with war millionaires, and with every other class of our people. We have ample money then, and to spare, according to the President; we have a surplus for them, according to the President; but when it comes to doing the right thing for our soldier boys we get vetoes from one who never took part in the fight. What has he got against the soldiers? It ought not to be!

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Massachusetts [Mr. WALSH].

Mr. McNARY. Mr. President——

Mr. GEORGE. Mr. President, I rise to make inquiry as to the length of time the Senator from Oregon desires to proceed this evening.

Mr. McNARY. A number of Senators desire to discuss the pending amendment. However, none of them desire to begin this late in the afternoon, unless the Senator from Georgia would like to discuss it at this time.

Mr. GEORGE. No; I did not rise to discuss the matter at all at this time.

Mr. REED. Mr. President, I think it is evident we can not pass the bill to-day, but I would like to notify the Senate that so far as I have any influence I am going to try to keep the Senate in session to-morrow until the bill is passed.

Mr. McNARY. I think there are 95 other Senators who feel the same way about it.

Mr. GEORGE. I hope the Senator from Oregon will ask for a recess and not an adjournment, so we can go right on with the consideration of the bill to-morrow when we meet. I personally should like to have the session begin to-morrow at 11 o'clock.

Mr. McNARY. There is some objection to that.

Mr. NORRIS. Mr. President, I should like to say a few words before we take a recess. I want to say just a word with reference to the procedure of the Senate in regard to the bill now before us.

May I be excused if I say something of a personal nature? I had quite a number of appointments in my State commencing early in July. When it became evident to me that we were not going to be able to dispose of the business of the Congress prior to that time I canceled all of those engagements.

I have no disposition to delay a vote on the bill now before us, or upon any other matter, one moment longer than legitimate debate may be had upon it. But I want to invite the attention of Senators to the fact that no definite date for final adjournment has been fixed. There is no reason why we should not stay here until we conclude the business of the country, and do it in a legitimate, high-class manner. With the weather in this city as uncomfortable as it is now, and as it will continue to be, it seems to me it is the height of foolishness to try to commence our sessions early in the morning and remain in session late at night. There is no disposition on the part of anybody to filibuster on the bill or any other measure, and if there was I certainly would stand back of the Senator from Pennsylvania [Mr. REED] in demanding that the Senate remain continuously in session.

But no such condition exists. No one claims it. Why should we not go on in a legitimate way, meeting at 12 o'clock as usual? The suggestion has been made that we should meet at 11 o'clock in the morning. I want to say to Senators who want to meet earlier in the morning—and I am only speaking now for one committee—that there are two important committees, of which I happen to be a member, which meet to-morrow. The Judiciary Committee meets to-morrow, and it has before it important nominations and some very important legislation that we ought to enact before we adjourn. Two or three bills recommended by the President's commission I think will be reported out of the committee to-morrow with practically no amendments, at least none that will take any time to consider. Two of the bills will probably be reported just as they came from the House, and we can pass them in a few moments.

Important nominations are pending. The committee desires to dispose of those nominations before Congress adjourns. But there is some contention about some of them. One of them, particularly, is a judgeship that no one feels like disposing of without proper consideration and giving full opportunity to those on both sides of the question who desire to be heard as long as there is objection or favorable comments which do not go to the extent of a filibuster or unusual delay. Many Senators are interested in those nominations. We will not be able to consider and report them unless the committee is permitted to meet, and we can not hold a session of the committee with this bill pending in the Senate, keeping our membership on the floor. It is a physical impossibility.

Why not, then, run along in the regular and usual way? We all have our work in our offices to do. I know that I have at the present time more than I ordinarily have. If we are attending to that work, we are working many hours when we are not in the Senate Chamber. I see no reason why we should get excited about final adjournment. Let us run along and transact our business in a legitimate way. Let us meet at 12 o'clock noon. Let us take a recess this evening so this matter will come before us immediately when we convene to-morrow.

Let us not be making semithreats that we are going to hold the Senate in session and not permit adjournment, but that we are going to pass this bill or that bill immediately. There is nothing transpiring with reference to this bill that is not perfectly legitimate in the way of debate. Let us hear it until we have finished with it. I think we will be able to dispose of the bill to-morrow without any question, but if we do not there is another day following and there is nothing compelling us to adjourn upon any particular day.

If Senators have appointments that are going to interfere with the legitimate work of the Senate, they ought, I think, to cancel them. I practice what I am preaching. There is reason why some Senators are personally interested in campaigns at home just at this time and more reason why they should be anxious to adjourn than other Senators. We ought not to adjourn, of course, until we pass the veterans' legislation in some form. We ought not to adjourn after we have passed it until we know whether it is going to be vetoed or not. If necessary, we should remain in session 10 days after the bill is passed so that no pocket veto can intervene. I do not anticipate anything of that kind, but it is an emergency that might come.

Why not go on without these continual threats that come to us in all manner of ways that we are going to work here all night if necessary? In the first place, if we undertake to do that, we will not get good legislation. In the next place, we are not physically able to stand it—at least, many of us are not able to stand it in this climate. We ought to be moderate, we ought to be temperate in what we are trying to do. If we do not overdo ourselves one day, we can run along all summer if necessary; but, instead of trying to overburden ourselves, if anything, we ought to let up just a little bit. I see no hurry about adjournment. We ought to go on and in a legitimate way try to transact the business of the country.

Mr. WALSH of Massachusetts. Mr. President, I ask permission to have printed in the RECORD, in connection with the debate, a letter and several telegrams received from various groups of veterans approving the pending amendment.

There being no objection, the letter and telegrams were ordered to be printed in the RECORD, as follows:

VETERANS OF FOREIGN WARS OF THE UNITED STATES,
June 18, 1930.

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

MY DEAR SENATOR WALSH: As you are aware, there is pending before the Senate a bill to amend the veterans' act. It is a substitute for the bill that passed the House.

We must admit the bill that passed the House was very liberal, and it is extremely doubtful if it would ever receive the approval of the President.

It is conceded that the bill reported in the Senate takes care of many veterans, but it takes care of a class of veterans, leaving others in their present situation.

Honestly feeling that it will be best for the country as well as the veterans and their dependents if Congress will now enact a World War pension bill taking care of disabled veterans and the widows and minor

children of those who have died, we urge you to give special consideration to this suggestion.

In the end it will not cost more if as much as the pending bill. I invite your attention to S. 3488. This measure, if enacted, would give moderate and reasonable relief to all disabled rather than high World War compensation rates to a comparative few whose rights thereto are based upon pure legal fiction and not upon medical testimony.

I am told the Finance Committee ordered this pension provision (of from $10 to $60 depending upon disability) reported, but the following day reconsidered the vote and reported the pending bill. Had it been in order in the House, the pension bill would have been substituted for the pending bill.

The situation is that the pending bill takes care of a class of veterans while the pension bill takes care of all for practically the same cost to the Government, although the amount to be paid to the veterans will not be as much as the pending bill provides.

The measure reported by the Senate does not solve the problems of the Congress relating to disabled veterans. It aggravates the problem and endangers all possible relief for these desperately disabled men in the present session.

A pension bill is sure to come in a year or two, so why not pass it now and save the Government money in the end and at the same time satisfy disabled veterans and their dependents?

Sincerely yours,

EDWIN S. BETTELHEIM, Jr.,
Chairman National Legislative Committee.

PROVIDENCE, R. I., *June 5, 1930.*

Senator DAVID I. WALSH,
Senator for Massachusetts, Washington, D. C.:

Veterans of this State tremendously interested in bill being prepared by you and Senator CONNALLY. This is the only solution of the veterans' problems. Your measure will relieve veterans' organizations throughout the country of the responsibility of devoting nearly all their activities to the raising of funds to take care of sick and needy veterans. We hope that you will go through to the limit with this bill and that you will place every Senator on record. Anything that we might be able to do to help do not hesitate to call on us. May we suggest that you have amended World War veterans' act so that minimum rate of compensation shall be $20 per month. This will make both the compensation act and the pension act give the same amount of money for 10 per cent disability. We are wiring Senator HEBERT and Senator METCALF, asking their support for your measure.

DAVID A. DORGAN,
Department Commander, Veterans of Foreign Wars, of Rhode Island.

MAYWOOD, ILL., *June 28, 1930.*

Hon. DAVID I. WALSH,
United States Senator, Washington, D. C.:

Patients of Hines Hospital petition you to offer amendment to Veterans' Bureau on same rate as Spanish pension bill.

FRANCIS KIBORT.

FORT BAYARD, N. MEX., *June 28, 1930.*

Hon. DAVID I. WALSH,
Senate Office Building, Washington, D. C.:

Urge you and colleagues kill pauper pension bill as reported out of Senate Finance Committee. All veterans' organizations here insist upon Walsh-Connally amendment to raise pensions to equality with present rates Spanish War.

HINDS WELCH,
American Legion.
FRANK SMITH,
United Spanish War Veterans.
FREDERICK VILLIO,
Veterans Foreign Wars.
ALBERT MORIARTY,
Disabled American Veterans.

ASHEVILLE, N. C., *June 29, 1930.*

Senator DAVID I. WALSH,
Washington, D. C.:

The rates in veterans' bill as passed by the House are insufficient for the maintenance of a disabled man and family. Sentiment among the patients at Oteen, N. C., is that the bill should be defeated unless the rates can be raised to amounts called for by the Walsh-Connally amendment.

OTEEN HOSPITAL CHAPTER, No. 3, DISABLED AMERICAN VETERANS.

HELENA, MONT., *June 29, 1930.*

Hon. DAVID I. WALSH, *Senator,*
Senate Office Building, Washington, D. C.:

Urge Senate adopt amendments offered by WALSH and CONNALLY, including Spanish War pension rates with last increase, to pending veterans' legislation if no better possible. If can not get Spanish War rates and applying to all who served between 1917 and 1921, please kill bill.

WALTER J. DUMAS, *Chairman.*

CASTLE POINT, N. Y., *June 29, 1930.*

United States Senator DAVID I. WALSH,
Senate Office Building, Washington, D. C.:

Wiring every Senator requesting equalization with Spanish War rates or no legislation at all. All our hospital contacts notified to same effect Saturday night, as Representative RANKIN requested. Walsh-Connally amendment our only hope. Proposed pauperizing rates obnoxious. Best wishes our mutual success.

WILLIAM CLEARY,
Commander Disabled American Veterans.

FORT BAYARD, N. MEX., *June 28, 1930.*

Hon. DAVID I. WALSH,
Senate Office Building:

Veterans' organizations, Fort Bayard, unanimously agree that fair and just pension for World War veterans would be same as present Spanish War pension. Urgently request enactment this session.

HINDS WELCH,
American Legion.
FRANK SMITH,
United Spanish War Veterans.
FREDERICK VILLIO,
Veterans Foreign Wars.
ALBERT MORIARITY,
Diabled American Veterans.

BOSTON, MASS., *June 26, 1930.*

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.:

At the request of National Commander Bodenhamer, Wollaston Post, No. 295, American Legion, Department of Massachusetts, requests your support of the veterans' pension bill.

HARRY G. BURNHAM, *Post Adjutant.*

POSTAL CONTRACTS—ARTICLE BY JOHN NICOLSON

Mr. McKELLAR. Mr. President, I ask unanimous consent to have printed as a Senate document an article entitled "The Truth About the Postal Contracts," by John Nicolson, former director of several bureaus of the United States Shipping Board.

I wish to say that it is a very remarkable document, and, after it shall have been printed, I hope that every Senator will undertake to read it.

The PRESIDING OFFICER. Without objection, the article referred to will be printed as a Senate document.

RECESS

Mr. McNARY. I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and (at 5 o'clock and 15 minutes p. m.) the Senate took a recess until to-morrow, Tuesday, July 1, 1930, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate June 30, 1930

COAST GUARD

The following-named officers in the Coast Guard of the United States:

To be commander (engineering) to rank as such from June 7, 1930

Lieut. Commander (Engineering) Charles E. Sugden.

To be lieutenant (junior grade) to rank as such from May 15, 1930

Ensign Leon H. Morine.

To be commanders (engineering) to rank as such from April 23, 1930

Lieut. Commander (Engineering) Herbert N. Perham.
Lieut. Commander (Engineering) Benjamin C. Thorn.
Lieut. Commander (Engineering) Milton R. Daniels.
Lieut. Commander (Engineering) Ellis Reed-Hill.

The following-named officers in the Coast Guard of the United States to take effect from date of oath:

To be chief gunners

Gunner Sidney A. Harvey.
Gunner Alfred R. Greenaway.

To be chief machinists

Machinist Willard L. Jones.
Machinist Walter L. Hunley.
Machinist Jarvis B. Wellman.
Machinist George F. Kolb.
Machinist Irwin D. Weston.
Machinist George Holloway.
Machinist Edward A. Stanton.
Machinist Robert N. Williams.

HOUSE OF REPRESENTATIVES

MONDAY, *June 30, 1930*

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Author and Giver of Life, who art ever with us, we thank Thee that we can not wander beyond Thy loving care. We praise Thee for this fair world, enriched by Thy infinite power and Thy countless mercies. O may we not mar its glory by our selfishness, but by wisdom and intelligence make it more beautifu'. May we dismiss from our thoughts inconveniences and petty annoyances and forget them. Make us grateful for the sunlight, the blue sky, the daily mercies, and the wonderful blessings which we enjoy. For these, O Lord of Life, may we always be sincerely thankful. Through Christ our Savior. Amen.

The Journal of the proceedings of Saturday, June 28, 1930, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 573. An act for the relief of Barzilla William Bramble;
H. R. 576. An act for the relief of Matthew Edward Murphy;
H. R. 1159. An act for the relief of the Delaware & Hudson Co. of New York City;
H. R. 3960. An act for the relief of Louis Nebel & Son;
H. R. 4110. An act to credit the accounts of Maj. Benjamin L. Jacobson, Finance Department, United States Army;
H. R. 5292. An act to authorize the city of Napa, Calif., to purchase certain public lands for the protection of its water supply;
H. R. 6113. An act for the relief of Gilbert Grocery Co., Lynchburg, Va.;
H. R. 6642. An act for the relief of John Magee;
H. R. 6694. An act for the relief of P. M. Nigro;
H. R. 7445. An act for the relief of J. W. Nix;
H. R. 8438. An act for the relief of J. T. Bonner;
H. R. 8612. An act for the relief of Ralph Rhees;
H. R. 9279. An act for relief of Henry A. Knott & Co.;
H. R. 10317. An act for the relief of Samuel S. Michaelson;
H. R. 10532. An act for the relief of Frank M. Grover;
H. R. 10582. An act to provide for the addition of certain lands to the Lassen Volcanic National Park in the State of California;
H. R. 10960. An act to amend the law relative to the citizenship and naturalization of married women, and for other purposes;
H. R. 11608. An act for the relief of Jerry Esposito;
H. R. 12233. An act authorizing the Robertson & Janin Co., of Montreal, Canada, its successors and assigns, to construct, maintain, and operate a bridge across the Rainy River at Baudette, Minn.;
H. R. 12554. An act to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near Knoxville, Tenn.;
H. R. 12614. An act granting the consent of Congress to the city of Aurora, Ill., to construct, maintain, and operate a free highway bridge from Stolps Island in the Fox River at Aurora, Ill., to connect with the existing highway bridge across the Fox River north of Stolps Island;
H. R. 12844. An act granting the consent of Congress to the State of Montana, the counties of Roosevelt, Richland, and McCone, or any of them, to construct, maintain, and operate a free highway bridge across the Missouri River at or near Poplar, Mont.;
H. R. 12919. An act granting the consent of Congress to the State of Montana or any political subdivisions or public agencies thereof, or any of them, to construct, maintain, and operate a free highway bridge across the Missouri River southerly from the Fort Belknap Indian Reservation at or near the point known and designated as the Power-site Crossing or at or near the point known and designated as Wilder Ferry;
H. R. 12920. An act granting the consent of Congress to the State of Montana and the counties of Roosevelt and Richland, or any of them, to construct, maintain, and operate a free highway bridge across the Missouri River at or near Culbertson, Mont.; and
H. R. 12993. An act granting the consent of Congress to the State of Illinois to construct, maintain, and operate a free highway bridge across the Little Calumet River at One hundred and fifty-ninth Street in Cook County, State of Illinois.

The message also announced that the Senate agrees to the amendments of the House to bills of the following titles:

S. 39. An act for the relief of Kate Canniff; and
S. 2790. An act for the relief of D. B. Traxler.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 11144) entitled "An act to authorize the Secretary of the Treasury to extend, remodel, and enlarge the post-office building at Washington, D. C., and for other purposes," disagreed to by the House, agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. KEYES, Mr. FESS, and Mr. ASHURST to be the conferees on the part of the Senate.

WESTERN OKLAHOMA'S NEW RADIO STATION

Mr. McCLINTIC of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address by me, read at the establishment of a broadcasting station in my district.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. McCLINTIC of Oklahoma. Mr. Speaker, on April 5 this year a new radio broadcasting station was established at Elk City, Okla., KGMP. I could not be present; therefore, through the kindness of Mr. G. E. Martin, president of the Martin Loan & Investment Co., the following inaugural address was broadcasted for me:

Ladies and gentleman of the radio audience, another milestone of progress has been made by the establishment of KGMP, the first radio broadcasting station in the congressional district I have the honor to represent. I desire to congratulate the pioneer spirit of its founders and the citizens of Elk City and surrounding communities for the kind of cooperation that made this result possible.

Such a broadcasting station should be the means of promoting the increased progress of our State, and in addition bring added happiness to our citizens. This is the day of new ideas and inventions. No one can prophesy with any degree of accuracy what the morrow will bring forth. I remember listening to a speech made by the late Uncle Joe Cannon, who for many years was a distinguished Member of Congress, in which he said that when it was first proposed that congressional aid should be given to promote the art of flying, that he made a speech ridiculing the idea. Then he said after airplanes did fly: "I made up my mind that never again as long as I live would I oppose or say that it was not possible to do anything." It will also be remembered that long years ago in the city which has often been called the Athens of America, Boston, Mass., an editorial was published in the leading daily paper congratulating the city authorities of New York for arresting a man who claimed that he could transmit sound or the voice from one person to another by using a wire stretched from one place to another. The editorial said that such dangerous fanatics should not be allowed to have free access to the city or to worry those who are busily engaged in peaceful pursuits, for the reason they would be liable to contaminate their minds. Likewise, in the city of Philadelphia prior to the Civil War an ordinance was passed which made it a violation of the law for anyone to place a bathtub in their house. There are other instances where inventions came ahead of the progress of civilization, and because of such, the originators were laughed at, or made to suffer in some way. Therefore, the world is awakening to a new era of progress, and our citizens are being taught that they must never allow their minds to become concreted on any subject, for the reason that which is new to-day will be superseded to-morrow by some new idea that will bring about increased efficiency.

The harnessing of aerial waves in such a manner as to make them perform a service for mankind is the greatest invention of the age, and no one can have a proper conception of this fact unless they have had occasion to experience the benefits of the same. I remember on one occasion while aboard ship en route to Hawaii, I requested the radio operator to send a message to Washington asking the Secretary of the Navy if I might secure permission for a friend to accompany me to Australia. Notwithstanding the fact that we were many thousand miles away, the next morning a message was picked up from the air granting this authority. On another occasion, while en route from New Zealand to American Samoa, the radio operator brought me a message that he